

**Question 1:**

*Our company looks after external telecommunication networks, which means we have to enter customers' premises. Because we have such a diverse work force, 30,000 plus people spread around the UK, we find it more practical to provide Asbestos training to our people via CBT's. On a very few occasions some organisations have said that our training is not sufficient as we do not provide face to face training, Is there any legal requirement that this is required? We believe not.*

*PS: Our people do not work with asbestos. If they come across it during a job, or before, our policy is that we stop work and request the customer to arrange removal or make it safe before we carry on with the work.*

**Answer:**

The requirements under Regulation 10 of the Control of Asbestos Regulations (CAR) 2006 is for employers to provide adequate information, instruction and training to their employees and to ensure that it is provided in a manner appropriate to the nature and degree of exposure identified by the risk assessment. The Approved Code of Practice (ACoP) L143, (paragraph 139) requires ALL training to be provided by a person who is competent to do so with personal practical experience and theoretical knowledge of all relevant aspects of the work.

In my opinion SUITABLE and SUFFICIENT computer based training should be more than acceptable as long as there are methods for ensuring that the training remains relevant, is compiled and presented by a suitably competent person, can demonstrate the delegates' understanding and awareness following the training (through mandatory testing), and that there is a forum for employees to ask questions and receive answers in a timely manner. The training should also be given at regular intervals to all employees with refresher training tests to ensure continued understanding. As I am unsure of the levels, standards or methods of training that you provide I would be more than happy to help you with this to ensure that the training is as appropriate as possible.

If I were a client carrying out an audit of my contractors and sub-contractors I would be requesting evidence that the employees have received suitable and sufficient training including evidence of the methods to which the training was delivered including the competence of the 'trainer'. I note that you state that your employees do not work with asbestos and will stop work when it is found. However, that leads me to ask two questions, firstly what information do you request from your client's regarding asbestos information as they have a duty to ensure that suitable information is disseminated to you? Secondly how do you ensure that it is not your employee's responsibility to identify asbestos (which could imply liability) but also ensuring that they are suitably aware to not work with asbestos (through suitable training)?

**Question 2:**

*What is the risk with Artex type wall coatings?*

**Answer:**

The short answer is 'what is the risk from what?' In other words when we talk about risk do we mean risk from the material causing us harm (almost certainly 'YES') but do we not also mean 'what is the risk from being in breach of the regulations'?

In other words the relative risk from asbestos containing textured coatings causing harm is low, it is unlikely that exposure to these materials will result in an asbestos related disease. However that is only half of the answer because the risk of work to asbestos containing textured coatings resulting in spread of contamination is very high if the works are not controlled. Up until very recently textured coating had to be treated as a 'licensed' material, which meant that work had to be carried out under fully controlled conditions by a suitably licensed contractor.

This is no longer the case but as the potential for widespread contamination from work to textured coatings is SO high the HSE have written a specific method within the Approved Code of Practice (ACoP) L143, 'Work with materials containing asbestos CAR2006' under Regulation 11 of the Control of Asbestos Regulations 2006 for work on asbestos containing decorative coating, which must be followed to ensure compliance. This requires work to be controlled to ensure that the spread of contamination and exposure to asbestos is prevented or reduced as low as possible. Work on any non-licensed material must be carried out by a suitably competent person which means that they have must have sufficient experience, knowledge and training which must include specific asbestos awareness training and specific training for non-licensable asbestos work (in accordance with Regulation 10 of CAR2006). I am more that happy to provide further information if required. Please let me know if I can be of any further assistance.

**Question 3:**

*Who should carry out the annual inspection of the asbestos?*

**Answer:**

The monitoring of the materials should be carried out by a suitably competent person but, more importantly, should be supported by easy to interpret information which should be designed to assist the person carrying out the inspection as much as possible. The initial survey should include a material assessment as a minimum to which a priority assessment should be added. The methods used for carrying out these assessments are detailed in Appendices 2 & 3 of the HSE guidance note (HSG227), 'A comprehensive guide to managing asbestos in premises'. These originated from the HSE's method for asbestos surveying (MDHS100 (Methods for Determining Hazardous Substances)) to which all UKAS accredited inspection bodies who are accredited to ISO17020 for asbestos surveying are assessed. All surveyors that carry out inspection activities for the UKAS accredited inspection body must have suitable and sufficient training and competence including British Occupational Hygiene Society (BOHS) Proficiency Certificate P402 – 'Building Surveys and Bulk Sampling for Asbestos'.

The information that should be provided from the original inspection should include a register of the materials including the assessment information, marked up site plans and photographs. Appendix 5 of HSG227 gives information in paragraph 4 on monitoring the condition of ACMs which includes keeping a photographic record etc. The person that carries out the subsequent inspections should have been provided with training on how to do so including the updating of the assessment information. They will often be the Duty-holder and, as such, should have received, as a minimum, Asbestos Awareness training in accordance with Regulation 10 of the Control of Asbestos Regulations 2006 and specific training on updating of the register. In some cases it may be prudent for the person that carries out these duties to have been provided with BOHS P405 training, 'Management of asbestos in buildings'. Alternatively an arrangement can be made with a UKAS accredited inspection body to carry out the annual inspections and maintain the register.

**Question 4:**

*If I discover asbestos or asbestos containing material do I have to remove this if it is reasonably practical to do so, or is it ok to record and monitor it as long as it is in good condition?*

**Answer:**

Absolutely not, in fact the HSE would much prefer you NOT to remove asbestos if it is in good condition and can be suitably managed. The removal of asbestos has its own integral risks not least in that the removal of asbestos will result in increased airborne fibre concentration regardless of the methods used to control it. The HSE have produced a Guidance Note, HSG227, 'A comprehensive guide to managing asbestos in premises' which details management options in Appendix 5.

Essentially there are 5 options which can be categorised as:

- 1) No remediation works required to the ACM (Asbestos Containing Material); i.e. monitor, manage and consider labelling for identification.
- 2) Protect or enclose the ACM then manage as in (i); i.e. no work to the ACM but provide further protection by, perhaps, boxing in some pipe work for example.
- 3) Seal or encapsulate the ACM then manage as in (i); e.g. encapsulate an AIB firebreak panel then manage it in place, CARE encapsulation of bare AIB is a licensable activity as fibre release can be significantly above the control limit.
- 4) Repair the ACM then manage as in (i); e.g. patch up of asbestos pipe insulation to a bend or a joint. CARE repair of ACMs will often constitute a licensable activity.
- 5) Remove the ACM.

As you can see only option 5 requires the removal of the material, in all other cases it is much more preferable to manage the risk even if some licensable remediation works are required to do so. Your Asbestos Management Plan (AMP) should include details on the procedures employed for the management of the materials and the process followed in arriving at that decision. It should include details on the competency of the person making the decision and the person responsible for future monitoring of the material. This should include Asbestos Awareness training in accordance with Regulation 10 of the Control of Asbestos Regulations 2006 as a minimum. If I can be of any further assistance with regards your Asbestos Management Plan, the register information, training or inspections please let me know.

**Question 5:**

*Is there a standard pro-forma for asbestos registers available from HSE?*

**Answer:**

There is not a standard pro-forma as such from the HSE, but the HSE Guidance Note HSG227, 'A comprehensive guide to managing asbestos in premises' does give comprehensive guidance in Appendices 2-4 for the register content and guidance is given for management options in Appendix 5. The original survey should be carried out by a competent person and should include a register which should be presented in a simple and easy to interpret format such as an excel spread sheet supported by marked-up plans and photographs. The initial survey should include a material assessment as a minimum to which a priority assessment should be added. The methods used for carrying out these assessments are detailed in Appendices 2 & 3 of HSG227 which have originated from the HSE's method for asbestos surveying (MDHS100 (Methods for Determining Hazardous Substances)) to which all UKAS accredited inspection bodies, who are accredited to ISO17020 for asbestos surveying, are assessed.

All surveyors that carry out inspection activities for the UKAS accredited inspection body must have suitable and sufficient training and competence including British Occupational Hygiene Society (BOHS) Proficiency Certificate P402 – 'Building Surveys and Bulk Sampling for Asbestos'. In other words, the register should be integral to the original survey, should be compiled by a competent person and should be able to be separated for future management.

**Question 6:**

*We have staff who have been exposed to asbestos, what is the extent of the occupational health assessment - which should take place/ At present we have an OH specialist who has devised a list of health questions, is this sufficient?*

**Answer:**

Paragraph 251 of the Approved Code of Practice (ACoP), 'Work with materials containing Asbestos, Control of Asbestos Regulations 2006' (Regulation 15) gives the requirement that only, '...a note that the exposure has occurred should be added to the employee's health record or to the employee's personal record if they do not have a health record. A copy of the note must be given to the employee with instructions that it should be kept indefinitely.' Often air-monitoring that is carried out after the unplanned release will show that the airborne fibre levels are below the control limit but it should be acknowledged by the employer that these might not be representative of the exposure experienced at the time of the incident.

During Asbestos Awareness training I suggest to my clients that this 'note' could be a page from the accident book which details what occurred and the possibility that exposure above the control limit may have resulted. This page can be photocopied and kept on the employee's personal record with a copy being provided to the employee as detailed above.

The list of questions to which you refer is intriguing as the adverse health effects will not occur for many years after the exposure due to the long latency period that asbestos related diseases commonly have. As such any questions will not normally be relevant at the time of asking. Without seeing the questionnaire I have to say that I don't really see the immediate benefit in the system, however, the asking of the questions and recording of information does in some way acknowledge that an exposure may have taken place.

**Question 7:**

*Is there a specific requirement of what must be included in asbestos awareness training*

**Answer:**

The requirements for all asbestos training is covered by Regulation 10 of the Control of Asbestos Regulations (CAR) 2006 and is defined within the Approved Code of Practice (ACoP) L143, 'Work with materials containing asbestos (CAR2006)'.

Paragraph 139 of the ACoP L143 details that all training must be provided by someone who is competent to do so, and that person must have had adequate personal experience and a theoretical knowledge of all relevant aspects of the work being carried out.

Paragraph 127 details that the following four topics must be covered in detail through means of written, oral and practical demonstration:

- a) The properties of asbestos and its effects on health, including the increased risk of lung cancer for asbestos workers who smoke;
- b) The types, uses and likely occurrence of asbestos and ACMs in buildings and plant;
- c) The general procedures to be followed to deal with an emergency, for example an uncontrolled release of asbestos dust into the workplace; and
- d) How to avoid the risks from asbestos, for example for building work, no employee should carry out work which disturbs the fabric of a building unless the employer has confirmed that ACMs are not present.

**Question 8:**

*What level of information are fire brigade likely to require?*

**Answer:**

Regulation 15(2)(a) of CAR2006 (Arrangements to deal with accidents, incidents and emergencies) states that the emergency services should be notified of the safety drills that are in place in case of an emergency, of the warning and communication systems in place to ensure that competent persons are notified of emergencies when they occur, and of the details of the known hazards and potential hazards that may arise at the time of the emergency (i.e. the site register). All of this information should be included within the emergency procedures section of your Asbestos Management Plan which should be readily available for the emergency services when they arrive onsite and in a format that is concise and clear. The most important information is the asbestos register detailing where the ACMs located.

**Question 9:**

*If asbestos records are held centrally (electronically) is there also a requirement to hold a hard copy in each building?*

**Answer:**

There would be a requirement for the site-specific records to be obtainable on site if for no other reason than in the case of an emergency to present to the emergency services. It is best practice to ensure that specific records are accessible on-site and the preference would be to have centrally controlled copies which are remotely accessible electronically on the site. I would also recommend that a 'time and date stamped' controlled copy is available in hard copy as well for quick and easy reference where required. I trust that is the information that you required.

**Question 10:**

*As part of the asbestos management arrangements, what is considered reasonable for extent & frequency of inspection & maintenance of materials in situ, which are not encapsulated?*

**Answer:**

The reasonability of the frequency and extent of the inspection of materials depends very much on the condition and location of the materials. In most cases it would not be expected to be more than every 12 months. However if the material is in such a location that it is likely to be disturbed then the inspections may need to be more frequent and remediation methods may need to be considered. An encapsulated panel does not necessarily mean a higher risk as surface treatment is only one of the parameters assessed during the material and priority assessments processes. If the un-encapsulated material is a firebreak to the ceiling of a service riser which is accessed very infrequently and the access is controlled when it does occur, then it may be considered a low risk and an annual inspection programme could be appropriate.

Your Asbestos Management Plan (AMP) should include details on the procedures employed for the management of the materials and the process followed in arriving at that decision. It should include details on the competency of the person making the decision and the person responsible for future monitoring of the material. This should include Asbestos Awareness training in accordance with Regulation 10 of the Control of Asbestos Regulations 2006 as a minimum.

Appendix 5 (paragraph 4) of The HSE Guidance Note HSG227, 'A comprehensive guide to managing asbestos in premises' sets out the reasonability of inspections. If I can be of any further assistance with regards your Asbestos Management Plan, the register information, training or inspections please let me know.

### **Question 11**

*Is the register included in the Type 2 Survey report sufficient or is another separate register required?*

**Answer:**

The original survey should be carried out by a competent person and should include a register which should be presented in a simple and easy to interpret format such as an excel spread sheet supported by marked up-plans and photographs. The initial survey should include a material assessment as a minimum to which a priority assessment should be added. The methods used for carrying out these assessments are detailed in Appendices 2 & 3 of HSG227 which have originated from the HSE's method for asbestos surveying (MDHS100 (Methods for Determining Hazardous Substances)) to which all UKAS accredited inspection bodies, who are accredited to ISO17020 for asbestos surveying, are assessed.

All surveyors that carry out inspection activities for the UKAS accredited inspection body must have suitable and sufficient training and competence including British Occupational Hygiene Society (BOHS) Proficiency Certificate P402 – 'Building Surveys and Bulk Sampling for Asbestos'. In other words, the register should be integral to the original survey, should be compiled by a competent person and should be able to be separated for future management.

### **Question 12:**

*How often should people be re-trained if they do not actually work with asbestos? Also, how much training do they need?*

**Answer:**

The Approved Code of Practice (ACoP) L143, 'Work with materials containing asbestos' states in paragraph 126 regarding asbestos awareness training that:-

'Asbestos awareness training is required to be given to employees whose work could foreseeably expose them to asbestos. In particular, it should be given to all demolition workers and those workers in the refurbishment, maintenance and allied trades where it is foreseeable that their work will disturb the fabric of the building because ACMs may become exposed during their work. Exemption from this requirement would apply only where the employer can demonstrate that work will only be carried out in or on buildings free of ACMs. This information should be available in the client's asbestos management plan.'

What Regulation 10(1)(a) actually states is that, 'Every employer shall ensure that adequate information, instruction and training is given to those of his employees – who are or who are liable to be exposed to asbestos, or who supervise such employees...' In other words it would be very difficult to categorise any employees as never carrying out, supervising, or procuring work that could feasibly expose them to asbestos.

Paragraph 127 details that the following four topics must be covered in detail through means of written, oral and practical demonstration:-

- a) The properties of asbestos and its effects on health, including the increased risk of lung cancer for asbestos workers who smoke;
- b) The types, uses and likely occurrence of asbestos and ACMs in buildings and plant;
- c) The general procedures to be followed to deal with an emergency, for example an uncontrolled release of asbestos dust into the workplace; and
- d) How to avoid the risks from asbestos, for example for building work, no employee should carry out work which disturbs the fabric of a building unless the employer has confirmed that ACMs are not present.

And, paragraph 147 states that refresher training should be given at least every year and should be appropriate to the role undertaken. Paragraph 139 of the ACoP L143 details that all training must be provided by someone who is competent to do so, and that person must have had adequate personal experience and a theoretical knowledge of all relevant aspects of the work being carried out. I often deliver Asbestos Awareness training to all tiers of a business from the chief executive and board, to the procurement teams and duty-holders, to the maintenance and caretaking staff. All of the training is tailored to ensure that the most suitable and relevant information is provided to the persons attending, and the content is in full compliance to the above topics. I'd be happy to discuss any training requirements that you have with you.

**Question 13:**

*Is the Duty-holder a named person or the employer as per the definition of responsible person in H&S regs*

**Answer:**

The Duty-holder is normally a named person within the organisational structure who has their own defined and accepted roles and responsibilities for the maintenance and repair of the building. This is very often NOT the employer who will normally be the person that signs the overarching policy (as in the Management of Health and Safety at Work Regulations 1999), but the employer doesn't always have the actual responsibility for maintenance within the building. They do, of course, have to support the Duty-holder in their role which needs to be clearly defined in the policy, but the Duty-holder will normally do the day to day management and report this back to the board or a facilities director etc.

The Duty-holder will often be the facilities manager or the maintenance manager and will normally recognise the duties as their role within the business. All of this needs to be defined within your Asbestos Management Plan (AMP), which should include details on the procedures employed for the management of ACMs and the management of contractors. It should include details on the competency of the Duty-holder which should include Asbestos Awareness training in accordance with Regulation 10 of the Control of Asbestos Regulations 2006 as a minimum.

**Question 14:**

*If a company decide to assume all areas may contain asbestos, should they still post signage?*

**Answer:**

The duty to manage is NOT a duty to survey, however under Regulation 4(5)(b) of the Control of Asbestos Regulations 2006:

'...the Duty-holder shall ensure that – (b) an inspection is made of those parts of the premises which are reasonably accessible.' As such everything that can reasonably be done to assess whether there are ACMs on the premises must be done, and if there are presumed ACMs these must be inspected and their condition must be assessed. The decision to assume that all materials contain asbestos and to treat them as such is not really reasonable in these terms, an inspection and assessment should also be carried out. Also, the general presumption that all materials contain asbestos does not exclude the Duty-holder from managing the ACMs and as such the Duty-holder will still need to carry out the risk assessments (material and priority), manage contractors that work in the premises, and ensure that all persons (including themselves) are competent.

Finally the presumption that all materials contain asbestos will make the emergency procedures very onerous, if not unworkable. Particularly the requirement to have information regarding the management and location of ACMs (registers) available to the emergency services. I would strongly recommend that a formal inspection be carried out which results in the production of a comprehensive Asbestos Register in the format of a spreadsheet table supported by marked up plans and photographs. From this Asbestos items could be labelled to assist in the management of the ACMs but it should be clear that the presence of a label does not automatically mean that the material is being managed, only that it has been labelled. The label should be the final line of defence as all asbestos information should have been disseminated before any work has been carried out to the material.

All of this needs to be defined within your Asbestos Management Plan (AMP) which can simply be an arrangements section with your Health and Safety Management Plan (as required by the Management of Health and Safety at Work Regulations 1999). The AMP should include details on the procedures employed for the management of ACMs and the management of contractors. It should include details on the competency of the Duty-holder which should include Asbestos Awareness training in accordance with Regulation 10 of the Control of Asbestos Regulations 2006 as a minimum.

#### **Question 15:**

*I have a problem of loose asbestos fibres being found in samples taken from dust in calorifier rooms. Licensed Contractors are being used to clean these rooms. Would you expect them to go the 4 stage clearance procedure at the end of the clean to pro*

#### **Answer:**

Unfortunately the question has been cut off but I think that I understand what you may be asking, apologies if I have misunderstood and feel free to ask me any other questions that you may have.

There are two points here really. I'll cover the first one first which is your main question.

If you are employing contractors to carry out decontamination works in the boiler room under these circumstances then absolutely YES a four stage Certificate of Reoccupation must be carried out by an INDEPENDENT UKAS accredited laboratory in accordance with Regulation 17 of the Control of Asbestos Regulations 2006 and the HSE Guidance Note, HSG248, 'The analysts' guide, etc.'

However please be aware of two things, the licensed contractor may talk about an 'Environmental Clean' under locally controlled conditions. There is no scope for this type of work and it will not provide you with the level of service that you require, if work is being carried out on insulation based material (including residue and debris) then the works must be carried out under fully controlled conditions. Secondly do not allow the licensed contractor to sub-contract the four stage Certificate of Reoccupation, this must be carried out by an independent UKAS accredited testing and sampling laboratory under the international standard ISO17025. A UKAS accredited laboratory should not accept such sub-contracted work as it does not comply with their accreditation conditions.

The second main point is please do not assume that the four stage Certificate of Reoccupation will provide you with an 'asbestos free' environment. This is not the purpose of the process nor is it possible within the confines of the current legislation. The process is designed to provide you with a safe working environment which is as safe for reoccupation as 'Reasonably Practicable'. This entails a full visual inspection of the area (stage 2) and environmental air-monitoring (stage 3) plus confirmation that the works have been carried out in accordance with CAR2006 (stages 1 & 4).

The result will be a very clean environment that will be safe for future works, however dust, debris and scraping samples in the area following the process can quite feasibly still contain asbestos contaminants. Many of my client's find it highly beneficial to sub-contract the management of the removal works to an independent UKAS accredited testing and sampling laboratory such as ourselves, who manage the removal process and carry out all of the environmental inspections and testing to ensure that the site is handed back as clean as reasonably possible.

**Question 16:**

*What training should we be providing for our staff?*

**Answer:**

The Approved Code of Practice (ACoP) L143, 'Work with materials containing asbestos' states in paragraph 126 regarding asbestos awareness training that:

'Asbestos awareness training is required to be given to employees whose work could foreseeably expose them to asbestos. In particular, it should be given to all demolition workers and those workers in the refurbishment, maintenance and allied trades where it is foreseeable that their work will disturb the fabric of the building because ACMs may become exposed during their work. Exemption from this requirement would apply only where the employer can demonstrate that work will only be carried out in or on buildings free of ACMs. This information should be available in the client's asbestos management plan.'

What Regulation 10(1)(a) actually states is that, 'Every employer shall ensure that adequate information, instruction and training is given to those of his employees – who are or who are liable to be exposed to asbestos, or who supervise such employees...' In other words it would be very difficult to categorise any employees as never carrying out, supervising, or procuring work that could feasibly expose them to asbestos. Paragraph 127 details that the following four topics must be covered in detail through means of written, oral and practical demonstration:

- a) The properties of asbestos and its effects on health, including the increased risk of lung cancer for asbestos workers who smoke;
- b) The types, uses and likely occurrence of asbestos and ACMs in buildings and plant;
- c) The general procedures to be followed to deal with an emergency, for example an uncontrolled release of asbestos dust into the workplace; and
- d) How to avoid the risks from asbestos, for example for building work, no employee should carry out work which disturbs the fabric of a building unless the employer has confirmed that ACMs are not present.

And, paragraph 147 states that refresher training should be given at least every year and should be appropriate to the role undertaken.

Paragraph 139 of the ACoP L143 details that all training must be provided by someone who is competent to do so, and that person must have had adequate personal experience and a theoretical knowledge of all relevant aspects of the work being carried out.

### **Question 17**

*Does asbestos cement sheeting need to be labelled?*

**Answer:**

There is no specific requirement to label any ACMs (Asbestos Containing Materials) but labelling can assist in the future identification of the material as part of the overall management process. Regulation 4 of the Control of Asbestos Regulations 2006 is the 'Duty to manage asbestos in non-domestic premises' which requires you to identify the materials, assess their condition and risk, and prepare a management plan detailing the management and monitoring processes and procedures. The processes may include labelling to assist in the future identification process but labelling alone should not be relied on as a suitable and sufficient control measure. The primary method for future identification should be through suitable and appropriate dissemination of information in the form of the site register disseminated to the contractor / 'user'. This process should be supported by suitable control of the contractor by obtaining confirmation of their policies, procedures, training, risk assessments and plans of work.

### **Question 18**

*What contents would you suggest for an asbestos property management plan?*

**Answer:**

The asbestos management plan should be formed around open questions:

- What – What is to be managed? Details of the asbestos items that exist.
- Where – Where are the materials? The Asbestos Register.
- Why – Because there is a regulatory requirement to do so – the Policy.
- How – Using the processes and guidance provided by the HSE.
- When – An action plan detailing when management processes are to take place such as the regular monitoring, training etc.
- Who – who is the Duty-holder and who else has roles and responsibilities.

The AMP should include the company's Asbestos Policy; the organisational structure with defined roles and responsibilities; the procedures for the identification and assessment of ACMs; the management and monitoring options and rationale; the use and content of the Asbestos Register; the information dissemination processes and the processes for the management of contractors; levels and standards of training; and emergency procedures. The management plan should be regularly audited and reviewed and any changes should be controlled and documented so that users can be assured that they have the most up-to-date version.

### **Question 19**

*If Duty-holders are to undertake periodic inspections of ACMs in their premises, what level of training would you suggest and what would the content be?*

**Answer:**

The monitoring of the materials should be carried out by a suitably competent person but, more importantly, should be supported by easy to interpret information which should be designed to assist the person carrying out the inspection as much as possible. The initial survey should include a material assessment as a minimum to which a priority assessment should be added. The methods used for carrying out these assessments are detailed in Appendices 2 & 3 of the HSE guidance note (HSG227), 'A comprehensive guide to managing asbestos in premises'.

These originated from the HSE's method for asbestos surveying (MDHS100 (Methods for Determining Hazardous Substances)) to which all UKAS accredited inspection bodies who are accredited to ISO17020 for asbestos surveying are assessed.

All surveyors that carry out inspection activities for the UKAS accredited inspection body must have suitable and sufficient training and competence including British Occupational Hygiene Society (BOHS) Proficiency Certificate P402 – 'Building Surveys and Bulk Sampling for Asbestos'. The information that should be provided from the original inspection should include a register of the materials including the assessment information, marked up site plans and photographs. Appendix 5 of HSG227 gives information in paragraph 4 on monitoring the condition of ACMs which includes keeping a photographic record etc.

The person that carries out the subsequent inspections should have been provided with training on how to do so including the updating of the assessment information. They will often be the Duty-holder and, as such, should have received, as a minimum, Asbestos Awareness training in accordance with Regulation 10 of the Control of Asbestos Regulations 2006 and specific training on updating of the register. In some cases it may be prudent for the person that carries out these duties to have been provided with BOHS P405 training, 'Management of asbestos in buildings'. Alternatively an arrangement can be made with a UKAS accredited inspection body to carry out the annual inspections and maintain the register.

### **Question 20**

*Duty-holder inspections - what do you think these inspections should cover? And how often?*

#### **Answer:**

The re-inspection monitoring of the materials should be based on the original risk assessment information (material and priority) that has been provided from the original survey. The initial survey should include a material assessment as a minimum to which a priority assessment should be added. The methods used for carrying out these assessments are detailed in Appendices 2 & 3 of the HSE guidance note (HSG227), 'A comprehensive guide to managing asbestos in premises'. These originated from the HSE's method for asbestos surveying (MDHS100 (Methods for Determining Hazardous Substances)) to which all UKAS accredited inspection bodies who are accredited to ISO17020 for asbestos surveying are assessed.

The re-inspection monitoring should be carried out by a suitably competent person but, more importantly, should be supported by easy to interpret information such as a simple spreadsheet register with a marked-up floor plan and supporting photographs, all of which should be designed to assist the person carrying out the inspection as much as possible. The person that carries out the subsequent inspections should have been provided with training on how to do so including the updating of the assessment information. They will often be the Duty-holder and, as such, should have received, as a minimum, Asbestos Awareness training in accordance with Regulation 10 of the Control of Asbestos Regulations 2006 and specific training on updating of the register. In some cases it may be prudent for the person that carries out these duties to have been provided with BOHS P405 training, 'Management of asbestos in buildings'.

The reasonability of the frequency and extent of the inspection of materials depends very much on the condition and location of the materials. In most cases it would not be expected to be more than every 12 months. However if the material is in such a location that it is likely to be disturbed then the inspections may need to be more frequent and remediation methods may need to be considered.

### **Question 21**

*We are an old MOD site with heating ducts underground for old asbestos clad heating pipes. The ducts are not accessible, but I know they are there. What is the best way of recording these?*

**Answer:**

The duty to manage is NOT a duty to survey, however under Regulation 4(5)(b) of the Control of Asbestos Regulations 2006: '...the Duty-holder shall ensure that – (b) an inspection is made of those parts of the premises which are reasonably accessible.'

As such everything that can reasonably be done to assess whether there are ACMs on the premises must be done. It is clear that the ducts are not readily accessible and so it is not reasonable to carry out a formal inspection, however as you suspect or even know that asbestos exists in these areas a formal record must be created. I assume that a full inspection of the remainder of the property will be take place and this will result in the production of a comprehensive Asbestos Register in the format of a spreadsheet table supported by marked up plans and photographs. The ducts should be clearly detailed within this register and on the plans as an inaccessible area with the strong presumption that they contain Asbestos Containing Materials (ACMs). Once the register has been created the management options must be decided upon for the various ACMs, including the strongly presumed ACMs present in the ducts.

The principal purpose of the management option is to ensure that the material does not get disturbed and as such the primary process will be the management of contractors and the dissemination of this information. The dissemination process should include both the information that you provide to them in the form of the register, plans etc and also the information that they provide to you in the form of asbestos policies, procedures, risk assessments, plans of work and evidence of suitable and sufficient training. All of this needs to be defined within your Asbestos Management Plan (AMP) which should include details on the procedures employed for the management of ACMs and the management of contractors. It should also include details on the competency of the Duty-holder which should include Asbestos Awareness training in accordance with Regulation 10 of the Control of Asbestos Regulations 2006 as a minimum.

**Question 22**

*What level of qualification/experience is required to undertake in-house inspections?*

**Answer:**

The re-inspection monitoring should be carried out by a suitably competent person but, more importantly, should be supported by easy to interpret information such as a simple spreadsheet register with a marked-up floor plan and supporting photographs, all of which should be designed to assist the person carrying out the inspection as much as possible. The person that carries out the subsequent inspections should have been provided with training on how to do so including the updating of the assessment information. They will often be the Duty-holder and, as such, should have received, as a minimum, Asbestos Awareness training in accordance with Regulation 10 of the Control of Asbestos Regulations 2006 and specific training on updating of the register. In some cases it may be prudent for the person that carries out these duties to have been provided with BOHS P405 training, 'Management of asbestos in buildings'.

**Question 23**

*Is it possible for a number of surveyors within an Estates Office (covering the whole country from a central location) to share the role as Duty-holder?*

**Answer:**

Yes, absolutely. The Duty-holder is normally a named person or persons within the organisational structure who have their own defined and accepted roles and responsibilities for the maintenance and repair of the building. This is very often NOT the highest officer of the company, such as the Chief Executive or Managing Director, who will normally be the person that signs the overarching policy (as in the Management of Health and Safety at Work Regulations 1999).

The highest officer does not often have the actual responsibility for maintenance within the building but they do, of course, have to support the Duty-holder(s) in their role which needs to be clearly defined in the policy. The Duty-holder(s) will normally carry out the day-to-day management and report this back to the board or a facilities director etc.

In many situations the Duty-holder(s) will often be the facilities manager, maintenance manager or, in your case, a surveyor and they will normally acknowledge that the proposed duties already form part of their role within the business. It is often highly beneficial to have multiple Duty-holders when a business operates from multiple locations as long as they are all reporting to a central source and that this is clearly defined within the organisational structure. All of this needs to be defined within your Asbestos Management Plan (AMP) which should include details on the procedures employed for the management of ACMs and the management of contractors. It should include details on the competency of the Duty-holder(s) which should include Asbestos Awareness training in accordance with Regulation 10 of the Control of Asbestos Regulations 2006 as a minimum.

#### **Question 24**

*With regards to non-licensed removal of asbestos e.g. CAF gaskets what is the accepted training for employees?*

#### **Answer:**

Work on any non-licensed material must be carried out by a suitably competent person which means that they must have sufficient experience, knowledge and training which must include specific asbestos awareness training AND specific training for non-licensable asbestos work (in accordance with Regulation 10 of CAR2006).

Paragraphs 128 & 129 of the Approved Code of Practice (ACoP) L143, 'Work with materials containing asbestos' sets out the training that MUST be provided to persons carrying out non-licensed work which should be in addition to Asbestos Awareness Training (as set out in Paragraphs 126 & 127).

The following four topics must be covered in detail through means of written, oral and practical demonstration during Asbestos Awareness training:

- a) The properties of asbestos and its effects on health, including the increased risk of lung cancer for asbestos workers who smoke;
- b) The types, uses and likely occurrence of asbestos and ACMs in buildings and plant;
- c) The general procedures to be followed to deal with an emergency, for example an uncontrolled release of asbestos dust into the workplace; and
- d) How to avoid the risks from asbestos, for example for building work, no employee should carry out work which disturbs the fabric of a building unless the employer has confirmed that ACMs are not present.

In addition there are 17 further topics to cover for non-licensed works (a-q) which I will not reproduce here verbatim, but which include:

- knowledge and management of the Control Limit including the purpose of air monitoring; suitable and sufficient risk assessing;
- the importance of preventative controls to minimise exposure;
- safe working practices including the correct use of control measures to limit exposure and limit the spread of asbestos fibres outside the work area;
- maintenance of control measures;
- selection and correct use of RPE (Respiratory Protective Equipment) and PPE (Personal Protective Equipment);
- hygiene and decontamination procedures;
- emergency procedures;
- understanding of work that requires an HSE licence;
- regulations concerning the safe carriage and disposal of asbestos.

Paragraph 139 of the ACoP L143 details that all training must be provided by someone who is competent to do so, and that person must have had adequate personal experience and a theoretical knowledge of all relevant aspects of the work being carried out.

If a business is employing its own staff to work on asbestos containing materials it must also ensure that it has suitable and sufficient insurance in place to protect itself and its workers.

### **Question 25**

*How often should the asbestos register be reviewed/updated?*

#### **Answer:**

The re-inspection monitoring of the materials should be based on the original risk assessment information (material and priority) that has been provided from the original survey. The initial survey should include a material assessment as a minimum to which a priority assessment should be added. The methods used for carrying out these assessments are detailed in Appendices 2 & 3 of the HSE guidance note (HSG227), 'A comprehensive guide to managing asbestos in premises'. These originated from the HSE's method for asbestos surveying (MDHS100 (Methods for Determining Hazardous Substances)) to which all UKAS accredited inspection bodies who are accredited to ISO17020 for asbestos surveying are assessed.

The re-inspection monitoring should be carried out by a suitably competent person but, more importantly, should be supported by easy to interpret information such as a simple spreadsheet register with a marked-up floor plan and supporting photographs, all of which should be designed to assist the person carrying out the inspection as much as possible. The person that carries out the subsequent inspections should have been provided with training on how to do so including the updating of the assessment information. They will often be the Duty-holder and, as such, should have received, as a minimum, Asbestos Awareness training in accordance with Regulation 10 of the Control of Asbestos Regulations 2006 and specific training on updating of the register. In some cases it may be prudent for the person that carries out these duties to have been provided with BOHS P405 training, 'Management of asbestos in buildings'.

The reasonability of the frequency and extent of the inspection of materials depends very much on the condition and location of the materials. In most cases it would not be expected to be more than every 12 months. However if the material is in such a location that it is likely to be disturbed then the inspections may need to be more frequent and remediation methods may need to be considered.

### **Question 26**

*I would like to seek your advice on the format and content of an Asbestos Register. To that end I have attached an example for you to review and comment upon. We have survey reports but do not appear to have a register as such; your advice on this would be greatly appreciated.*

#### **Answer:**

The initial survey should include a material assessment as a minimum to which a priority assessment should be added. The methods used for carrying out these assessments are detailed in Appendices 2 & 3 of HSG227 which have originated from the HSE's method for asbestos surveying (MDHS100 (Methods for Determining Hazardous Substances)) to which all UKAS accredited inspection bodies, who are accredited to ISO17020 for asbestos surveying, are assessed. The initial survey report should include a simply register which is usually a simple excel spreadsheet as an appendix that is detachable from the original report and supported by marked up floor plans and photographs. The register should be a table that includes all of the asbestos items, non asbestos items that are commonly mistaken for asbestos, inaccessible areas and room descriptions. The table is usually ordered in a logical order such as room by room with unique references for each area.

The document that you have attached is more of a quick reference document to show whether there is asbestos or not and whether the register needs to be disseminated. I would be careful with such a document because, although it can be great for quick reference, it can hide the fact that there may be inaccessible areas on the site that haven't been inspected and that may contain asbestos containing materials. I would be happy to discuss the content of the asbestos surveys and what you should expect to receive from your surveyors and the asbestos register content.

### **Question 27**

*Part 1: We are a Local Authority with a stock of social housing to which the Duty to Manage (Under CAR2006) does not apply (except to communal areas). How frequently should asbestos containing materials (ACMs) left in place within domestic premises be re-inspected? However we do have a programme of Type 2 surveys, as well as re-inspections. Bearing in mind that there is no duty to manage (on our domestic property), we are considering doing the re-inspections in-house. What competency/qualifications would we require of our staff undertaking re-inspections where there is no duty to manage?*

*Part 2: This Authority is considering undertaking low risk asbestos removal works with its own operatives where houses are vacant/void. However the Authority does not carry Public Liability Insurance cover for this work, although it does have Employers Liability cover for the works. What would your advice be towards this possible option (we currently use external contractors who carry full insurances & correct disposal licences)? Also we currently use external contractors who carry full insurances & correct disposal licences. What competency/qualifications would we require of our council trades operatives to undertake low risk removals?*

#### **Answer:**

There are a number of points here which would be difficult to address by written correspondence and, as such, I wonder whether you would be available for a meeting to discuss the issues that you have raised? I would be more than happy to discuss the management of asbestos in social and domestic housing which is an area in which I have a lot of experience and expertise. I work for a number of Local Authorities and Housing Associations on this very issue and have a lot of experience in providing management solutions.

As a brief reply (yes, believe it or not this is the brief reply!) I would say that there is a danger in assuming that there is no duty in the domestic areas and from my experience I have found that the HSE and the Audit Commission are very keen on ALMOs to define and clarify their policies and procedures for the management of asbestos in such areas.

Under the Management of Health and Safety at Work Regulations 1999 there is a duty to manage the risk from hazards when the area becomes a work place and, as such, the absolute key is to control and manage the contractors that work in your properties.

The Audit Commission seem very keen on ALMOs obtaining and recording as much information as possible on pre-existing hazards (such as asbestos) which may be present in the domestic areas and disseminating this information accordingly. This information is often obtained through the Decent Homes programme or through inspections that take place prior to the re-let of void properties. There is no Duty under Regulation 4 of the Control of Asbestos Regulations 2006 to which you allude BUT if information is obtained it is best practice to record it in the same format as that for the non-domestic parts (communal areas, lift shafts, boiler rooms, loft spaces with tank rooms, sheds, garages, stores etc). The re-inspection of these domestic areas is a very difficult task and one that is not required (under Regulation 4 of CAR2006) and not reasonable. However you should be disseminating any knowledge that you DO have to contractors prior to their work so that they can satisfactorily assess the risks and produce a suitable method of work. You should be controlling these contractors by obtaining copies of their general policies and procedures, evidence of their awareness training and copies of their specific risk assessments and methods of work for the task at hand. They should also be audited regularly to assess their compliance to your systems.

The re-inspection monitoring should be carried out by a suitably competent person but, more importantly, should be supported by easy to interpret information such as a simple spreadsheet register with a marked-up floor plan and supporting photographs, all of which should be designed to assist the person carrying out the inspection as much as possible. The person that carries out the subsequent inspections should have been provided with training on how to do so including the updating of the assessment information. They should have received, as a minimum, Asbestos Awareness training in accordance with Regulation 10 of the Control of Asbestos Regulations 2006 and specific training on updating of the register. In some cases it may be prudent for the person that carries out these duties to have been provided with BOHS P405 training, 'Management of asbestos in buildings'. Work on any non-licensed material must be carried out by a suitably competent person which means that they have must have sufficient experience, knowledge and training which must include specific asbestos awareness training AND specific training for non-licensable asbestos work (in accordance with Regulation 10 of CAR2006).

Paragraphs 128 & 129 of the Approved Code of Practice (ACoP) L143, 'Work with materials containing asbestos' sets out the training that MUST be provided to persons carrying out non-licensed work which should be in addition to Asbestos Awareness Training (as set out in Paragraphs 126 & 127). Paragraph 139 of the ACoP L143 details that all training must be provided by someone who is competent to do so, and that person must have had adequate personal experience and a theoretical knowledge of all relevant aspects of the work being carried out. The Asbestos Awareness Training must cover the properties of asbestos and its affects on health (such as links to lung cancer for asbestos workers who smoke); the types, uses and likely occurrences of ACMs; emergency procedures; and risk assessment, risk avoidance and management techniques.

In addition there are 17 further topics to cover for non-licensed works (a-q) which I will not reproduce here verbatim, but which include, knowledge and management of the Control Limit including the purpose of air monitoring; suitable and sufficient risk assessing; the importance of preventative controls to minimise exposure; safe working practices including the correct use of control measures to limit exposure and limit the spread of asbestos fibres outside the work area; maintenance of control measures; selection and correct use of RPE (Respiratory Protective Equipment) and PPE (Personal Protective Equipment); hygiene and decontamination procedures; emergency procedures; understanding of work that requires an HSE licence; regulations concerning the safe carriage and disposal of asbestos. Also, as you say, you must ensure that you have suitable and sufficient insurance in place to protect the Authority and its employees. All of this needs to be defined within your Asbestos Management Plan (AMP) which should include details on the procedures employed for the management of ACMs and the management of contractors.