

## SUMMARY OF KEY CHANGES IN THE CONTROL OF ASBESTOS REGULATIONS 2006 & ASSOCIATED APPROVED CODE OF PRACTICE L143

### BACKGROUND

New regulations were required to implement amendments to the European Asbestos Worker Protection Directive (AWPD) and other changes to the existing asbestos regulatory framework. The Regulations will be called the Control of Asbestos Regulations 2006 (Asbestos Regulations, SI No. 2739).

### KEY CHANGES

- 1) The following three sets of regulations that controlled exposure to asbestos have been combined into the Asbestos Regulations which should come into force on 13 November 2006:
  - a) The Control of Asbestos at Work Regulations 2002 (CAW);
  - b) The Asbestos (Licensing) Regulations 1983 (ASLIC);
  - c) The Asbestos (Prohibitions) Regulations 1992 (Prohibitions Regulations).
- 2) There is no Action Level. There is a new single Control Limit of  $0.1\text{f}/\text{cm}^3$  and a Short Term Exposure Limit (STEL - ACoP standard, not in the regulations) of  $0.6\text{f}/\text{cm}^3$  measured over 10 minutes. The Control Limit is a level of asbestos fibres in air that, so far as is reasonably practicable, should not be exceeded. No-one's personal exposure should ever go above this limit when measured over 4 hours, in line with current practice, which is equivalent to the directive's  $0.1\text{f}/\text{cm}^3$ , if the shift is 8 hours long.
- 3) The requirement to notify work to the enforcing authority and the requirement for medical surveillance of workers will **not** apply to certain specified types of work where (a) the worker exposure to asbestos fibres is sporadic and of low intensity **and** (b) it is clear from the risk assessment that the STEL will not be exceeded. There is a risk-based approach to define what comes within the definition of sporadic and low intensity worker exposure. Work cannot be considered to be sporadic and low intensity if it is likely to exceed  $0.6\text{f}/\text{cm}^3$  measured over 10 minutes. The ACoP defines which work will be exempt from requiring a licence on the same basis, aligning when a licence is needed with the requirement to notify work. It reflects the type of work detailed in HSG 210, 'Asbestos Essentials'. For most work with asbestos this will maintain the status quo.
- 4) A new, World Health Organisation (WHO) asbestos fibre counting method will be introduced to replace the current European Reference Method (ERM). Analytical laboratories that carry out air testing will transfer to this counting method. Under the ERM method, fibres are discounted if they touch particles greater than 3 microns wide, but under the WHO method, these fibres are not discounted.
- 5) Most work with textured decorative coatings (TCs) should not require a licence. Research suggests that the risks from work with TCs are much lower than previously thought. The risks from asbestos in TCs are now estimated to be orders of magnitude below that for other licensed materials, and lower than that from work with asbestos cement which doesn't require a licence. This does not mean that work with TCs is safe: it still needs proper control measures, but not such stringent controls as those required for other licensed contract work. These are set out in the ACoP. It describes how to go about removing textured coatings safely.

- 6) Employers using their own workers on their own premises will no longer be exempt from the licensing requirements.
- 7) Accreditation will be required (from 6 April 2007) for those organisations carrying out the 4-stage clearance. Those persons issuing clearance certificates for reoccupation after asbestos removal work should meet the relevant accreditation requirements of ISO 17025 and ISO 17020. Accreditation is already required for the air testing part of the clearance procedure and will be extended to apply to all the four stages of clearance certification.
- 8) The CAW Regulations currently include Short Term Exposure Limits (STELs) to reinforce and support high standards of control, such as, wearing respiratory protective equipment (RPE). A limit for peak exposures will be maintained, otherwise it could be argued that RPE is not legally required so long as exposure does not exceed  $2.4 \text{ f/cm}^3$  over 10 minutes (the equivalent of the proposed Control Limit over 4 hours). The maximum peak level of  $0.6 \text{ f/cm}^3$  over 10 minutes for all types of asbestos (the current STEL for amphibole asbestos) will be maintained. This is based on the assertion that it is always reasonably practicable to ensure that no personal exposure to asbestos fibres, however short, exceeds this peak. This is written as ACoP material rather than in Regulations, because STELs are not a requirement of AWPDP.
- 10) Asbestos training is split into licensed, non-licensed and awareness training. It is set out more explicitly in both the regulations and the ACoP.
- 11) Asbestos is defined, in guidance, as containing one or more of the fibrous silicates listed in the Interpretation section, regardless of the amount. 'Work with asbestos' is also defined in the Interpretation section.
- 12) A water absorption test is described with which to identify asbestos cement.
- 13) For licensed work there is more emphasis on pre-cleaning and planning the work to take the clearance process into account.
- 14) Supervisory and ancillary work are defined.
- 15) Employees are entitled to have a copy of their training certificate and to be given the results of tests such as their face-fit test, air monitoring, medical examination etc.
- 16) Where removal of ACMs is time-consuming and resource-intensive and only involves a lower risk material such as textured decorative coatings containing asbestos, then removal prior to demolition or major refurbishment may not be reasonably practicable.
- 17) There is a requirement now for RPE to reduce exposure as low as is reasonably practicable. This means that RPE will be required even when the control limit is not expected to be exceeded eg TC work.

#### **FURTHER INFORMATION**

Use the following links:

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

<http://www.uk-legislation.hmsso.gov.uk>

Contact HSE's Asbestos Licensing Unit about queries relating to enforcement on Tel: 0131-247-2135.