

The Control of Asbestos Regulations 2006

A guide for safety representatives

Asbestos has been the main cause of occupational ill health from about 1950 onwards and is still the greatest single work-related cause of death from ill health.

Past exposure is now responsible for about 4000 people dying from asbestos-related cancers every year. This figure is expected to rise over the next ten years and then decline.

These deaths are tragic for the people involved, causing immense pain and suffering to them and their relatives, friends and colleagues.

Safety representatives play an important role in controlling workplace risks and can help to prevent exposure to asbestos. You are entitled to be provided with any information you need on asbestos, including any risk assessments and surveys. You should also be consulted on your employer's plans to manage asbestos.

This is a *brief* guide for safety representatives on asbestos and the new Control of Asbestos Regulations 2006 (the Regulations). It does not cover the legal functions of safety representatives.

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What is asbestos?

Asbestos is the name used for a range of natural minerals.

There are three main types of asbestos:

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

The type of asbestos cannot be identified just by its colour.

Asbestos has been used in a very large number of products, many of which have been used in buildings. Some products have one type of asbestos in them while others have mixtures of two or more.

All types of asbestos can be dangerous.

Why is it dangerous?

Asbestos is made up of thin fibres. These can break down into much smaller and thinner fibres. The smallest fibres cannot be seen with the naked eye but they can be breathed in.

Asbestos fibres are only dangerous if they are made airborne and breathed in, but ALL types of asbestos fibres are potentially fatal if breathed in.

The fibres that are breathed in can become stuck in the lungs and damage them. This can cause scars that stop the lungs working properly (asbestosis), or it can cause cancer. The main types of cancer caused by asbestos are cancer of the lung and cancer of the lining of the lung (mesothelioma).

These diseases can take from 15 to 60 years to develop and there is no cure for any of them.

Where do you find asbestos?

You are most likely to find it in buildings built or refurbished before 2000. Many thousands of tonnes of asbestos products were used in buildings. Much of it is still there and you cannot easily identify these products from their appearance.

The most common uses of asbestos in buildings were:

- **loose packing** between floors and in partition walls;
- **sprayed ('limpet') fire insulation** on structural beams and girders;
- **lagging**, eg on pipework, boilers, calorifiers, heat exchangers, insulating jackets for cold water tanks, around ducts;
- **asbestos insulation board (AIB)**, eg ceiling tiles, partition walls, soffits, service duct covers, fire breaks, heater cupboards, door panels, lift shaft linings, fire surrounds;
- **asbestos cement (AC)**, eg roof sheeting, wall cladding, walls and ceilings, bath panels, boiler and incinerator flues, fire surrounds, gutters, rainwater pipes, water tanks;
- other products, eg **floor tiles**, mastics, sealants, **textured decorative coatings (such as artex)**, rope seals, gaskets (eg pipework), millboards, paper products, fire doors, cloth (eg fire blankets), bituminous products (roofing felt).

Remember – how dangerous the asbestos is depends on the type of asbestos and the type of material it is in, the condition of the material, and how likely the material is to be disturbed.

Who is likely to be exposed to asbestos fibres?

Anyone who disturbs asbestos-containing materials, for example, by working on them or near them.

Research has suggested that the groups most at risk are those who carry out building maintenance and refurbishment work, for example (this is not a complete list, nor in any particular order):

- demolition contractors;
- electricians;
- roofing contractors;
- painters and decorators;
- construction contractors;
- joiners;
- heating and ventilation engineers;
- plumbers;
- telecommunications engineers;
- gas fitters;
- fire and burglar alarm installers;
- plasterers;
- general maintenance staff;
- builders;
- computer installers;
- shop fitters;
- building surveyors.

What's new in the Control of Asbestos Regulations 2006?

The duties under the Control of Asbestos Regulations 2006 are largely the same as under the previous regulations, but there are some important changes:

- There is a new, lower control limit (which no one must go over) of 0.1 fibres per millilitre of air measured over four hours.
- Work with textured coatings will, generally, not need to be done by a licensed contractor. It will still need to be done safely by trained, competent people working to certain standards.
- Employers can no longer carry out work in their own premises with their own workers without a licence if the work would otherwise require a licence.
- The Regulations are clearer on training. Suitable training is required for anyone who is, or may be, exposed to asbestos.

What is a licence?

Work with the most dangerous asbestos-containing materials (which give off high fibre levels when disturbed), requires a licence from the Health and Safety Executive (HSE). Work with most asbestos-containing materials requires a licence.

A licence is required for virtually all work with loose packing, sprayed insulation, lagging and asbestos insulation board. Very minor work (which, in total, takes one person no more than one hour, or more people no more than two hours in any seven-day period) does not require a licence.

A licence is not required for work when a risk assessment confirms that the exposure (without a respirator) will not go above 0.6 fibres per millilitre in any ten-minute period or go over the control limit and the work involves certain materials. So, a licence will generally not be required for work involving asbestos cement, textured coatings and other materials where the fibres are firmly held in a matrix (eg vinyl floor tiles and bituminous products such as roofing felt).

What do the Regulations say and what should I do?

This section tells you a little more about the Regulations and suggests the questions you should ask your employer.

The Regulations apply to all work with asbestos materials carried out by employers, the self-employed and employees. They apply to all work with asbestos whether it requires a licence or not.

Remember, this is a very brief summary of some of what the Regulations say.

Managing asbestos in buildings (regulation 4)

Whoever has control of a building has a duty to manage the asbestos in their buildings – your employer should be able to tell you who this is. The duty holder has to take reasonable steps to find out if there are materials containing asbestos in the premises and, if so, how much, where they are and what condition they are in. This can – but does not have to – involve a survey. A survey can be:

- Type 1 – presumptive. This is to locate materials assumed to contain asbestos and note what condition they are in. No sampling is done.
- Type 2 – sampling. This is the same as type 1 but samples are taken and analysed to confirm whether asbestos is present.
- Type 3 – full access. This involves getting full access to all parts of the building, using destructive inspection if necessary. This type is usually used just before demolition or major refurbishment.

The results of all types of survey should be recorded and the information provided to anyone who may work on, or disturb, these materials. Safety representatives are entitled to this information.

- ❓ Has any survey been done? If so, which type?
- ❓ Does it cover all parts of the building? If not, why?
- ❓ Is the information readily available and understandable?
- ❓ Is it given to anyone who needs it, eg contractors?

A suitable risk assessment should be made before carrying out any work which may expose employees to asbestos.

- ❓ If any work which will, or could, disturb asbestos is planned, has the risk assessment been done by a competent person?
- ❓ Does it relate specifically to the particular job and site?
- ❓ Does it cover other risks (like falls from height or electricity)?

Those who control premises need to manage the risk from asbestos and ensure that an assessment is made as to whether asbestos is, or may be, present in the building. This includes where the asbestos is, or is assumed to be and what condition it is in. It should always be assumed that asbestos could be present until a full survey is done.

- ❓ If you suspect that there may be asbestos in your building, what has been done to manage the risks from it?
- ❓ Ask to see any assessments or the results of any survey.
- ❓ Do the assessments tell you where the asbestos is, may be, or is assumed to be?
- ❓ How are people made aware of asbestos and what to do about it?
- ❓ How will anyone coming in to do work, such as a contractor, be made aware and will the way they work be monitored?

Identifying the presence of asbestos (regulation 5)

No employer must carry out demolition, maintenance or any other work which exposes, or may expose, their employees to asbestos in any premises unless they have found out:

- whether asbestos is, or may be, present;
 - what type of asbestos it is;
 - what material it is in; and
 - what condition it is in; or
 - if there is any doubt about whether asbestos is present, the employer has assumed that it is present and that it is not only white asbestos.
- ❓ Is all this information readily available, or has the employer said that they will assume asbestos is present?
 - ❓ Is the information clear and easy to understand?
 - ❓ Are there any parts of the building which have not been checked?

Planning work (regulation 7)

No work should be carried out with asbestos unless a written plan of work detailing how that work is to be carried out has first been prepared.

- ❓ Is there a plan of work?
- ❓ Does it say clearly how the work will be done?
- ❓ How is the waste going to be removed?
- ❓ How will the employer make sure that the work is done in the way the plan says it should be?
- ❓ Have other risks which may be present (like falls from height and electricity) been considered as well?
- ❓ How will employees be informed?

Information, instruction and training (regulation 10)

Every employer must give adequate training (which includes information and instruction) to employees who are, or may be, exposed to asbestos, their supervisors and those who do work to help the employer comply with these Regulations. This should make them aware of (among other things):

- the properties of asbestos, its health effects and the interaction of asbestos and smoking;
- the type of materials likely to contain asbestos;
- what work could cause asbestos exposure and the importance of preventing exposure;
- how work can be done safely and what equipment is needed;
- emergency procedures;
- hygiene facilities and decontamination.

The training must be given at regular intervals. It needs to be proportionate to the nature and degree of exposure and so should contain the appropriate level of

detail, be suitable to the job, and should use written materials, oral presentation and demonstration as necessary.

- Has everyone who is, or may be, exposed to asbestos been given enough information, instruction and training to enable them to safeguard their health?
- Was the training suitable for the job?
- Are there arrangements to train new people?
- Are there arrangements for regular refresher training?

Preventing or reducing exposure (regulation 11)

Employers have a duty to prevent exposure so far as is reasonably practicable. If exposure cannot be prevented, it must be reduced so far as is reasonably practicable without workers having to use masks. If that has been done but the exposure would still be above the control limit, the employer has to provide suitable masks which reduce the workers' exposure to below the control limit and as far below it as is reasonably practicable. It is good practice to use masks and other personal protective equipment even at levels below the control limit.

- Has this approach actually been taken?
- How will the employer make sure that the workers are not exposed to more than the control limit? It is not always necessary to carry out air tests, for example when it is well known what exposure levels an activity generates – and the worst levels are assumed. Air tests may be needed to confirm that the controls are working.

If any employee is exposed to more than the control limit, the employer must:

- inform the employees concerned and their representatives;
- ensure that the work does not continue until adequate action has been taken to reduce exposure to below the control limit;
- find out why the control limit was exceeded and take action to prevent it happening again, and take air samples to make sure this action was effective.

Employers need to ensure that whatever controls they put in place are properly maintained and used. This includes providing any necessary supervision.

Employees need to make sure they use any controls properly:

- Do the employees know how to use the controls in place?
- Do they know what to do if they suspect the controls are not working properly?

The employer should make arrangements to deal with accidents, incidents and emergencies. These should minimise the effects of the event and restore the situation to normal. Anyone who may have been affected should be informed immediately.

- Do these arrangements exist and does everybody know about them?
- Is it clear who is responsible and what for?
- What happens when those people are absent?

Sampling, air tests and clearance certification (regulation 20)



All air testing, sampling of asbestos and (from 6 April 2007) clearance certification must be carried out by someone who is accredited by an appropriate body. UKAS (the United Kingdom Accreditation Service) is the only such national accreditation body recognised by the Government.

- Do reports show the UKAS accreditation logo shown here?

Health records and medical surveillance (regulation 22)

Apart from a few exceptions (where exposure is very low), for each employee who is exposed to asbestos, employers have to:

- keep a health record;
- keep the record (or a copy) for at least 40 years;
- ensure the employees are under adequate medical surveillance by a relevant doctor;
- provide a medical examination not more than two years before such exposure and one at least every two years while such exposure continues (certificates of examination need to be kept for four years);
- tell the employee if the medical shows any disease or ill-health effect from the exposure.

Employees have to be available during working hours for medical examination.

Washing and changing facilities (regulation 23)

Employers must provide adequate washing and changing facilities for employees who are, or may be, exposed to asbestos.

- ❓ Are these adequate and well maintained?
- ❓ Are males and females catered for?

What should I do if I suspect asbestos materials are present?

If a safety representative suspects that there are asbestos materials in a building, they should ask the employer what has been done to determine if such materials are present. Safety representatives can ask to see the results of any inspection or survey done to identify the presence, and condition, of asbestos materials.

Remember that there is only a risk if asbestos fibres are made airborne. This can happen when asbestos materials are damaged or disturbed. However, all asbestos-containing materials should be clearly marked, even if in good condition.

If you see material which you have reason to believe contains asbestos, it has been damaged and you believe that there is a serious risk of exposure to asbestos fibres, you should ask everyone to leave the area. But remember not to create more of a risk to people by, for example, causing a panic or leaving something in an unsafe condition. Remember also that minor damage to some asbestos materials does not always mean that there is a serious risk or that immediate evacuation of the area is warranted, for example minor damage to materials securely bound in a matrix such as textured coatings or asbestos cement. However, damaged edges should be coated immediately, and repaired as soon as possible.

In any case, you should notify the employer or occupier immediately. No further work should take place until the area is safe. That means that action – appropriate to the risk – has been taken. Such action could be the repair or removal of asbestos or cleaning of the area by a trained person with suitable equipment.

When anyone needs to work in a building built or refurbished before 2000, or with something which may contain asbestos, ask:

- ❓ Is asbestos present?
- ❓ What is the safest way to do the work?
- ❓ Can you look at the risk assessment for the job (which should tell you what the risks are and how to control them)?
- ❓ Is the work such that it should only be done by a licensed contractor?

Workers can do certain jobs with asbestos which do not require a licence, but their employer must ensure that they are adequately trained and have the right equipment. The employer must ensure that they:

- have received adequate training first;
- are provided with and always wear a suitable mask;
- are provided with disposable overalls;
- are provided with a class HEPA vacuum cleaner to vacuum up dust;
- do not cut or drill into asbestos with power tools (unless it is unavoidable – in which case the employer must ensure that the appropriate controls are in place and used);
- dispose of all waste properly.

The training should help workers to understand, among other things, the dangers of working with asbestos, where they may come across it, and how to work safely with it.

Only certain work on asbestos-containing materials can be carried out without a licence. For advice on how to carry out work which does not require a licence, see the task sheets on the HSE website (www.hse.gov.uk/asbestos) or in *Asbestos essentials task manual*, HSG210.

How do I find out more?

Contact your trade union for more advice on asbestos or go to www.tuc.org.uk/asbestos.

Call HSE's Infoline for confidential advice and information (you do not have to give your name) on 0845 345 0055.

See the HSE website: www.hse.gov.uk/asbestos.

Asbestos essentials task manual: Task guidance sheets for the building maintenance and allied trades HSG210 ISBN 0 7176 1887 0 available from HSE Books, PO Box 1999, Sudbury, Suffolk CO10 2WA. Tel: 01787 881165, www.hsebooks.co.uk.