

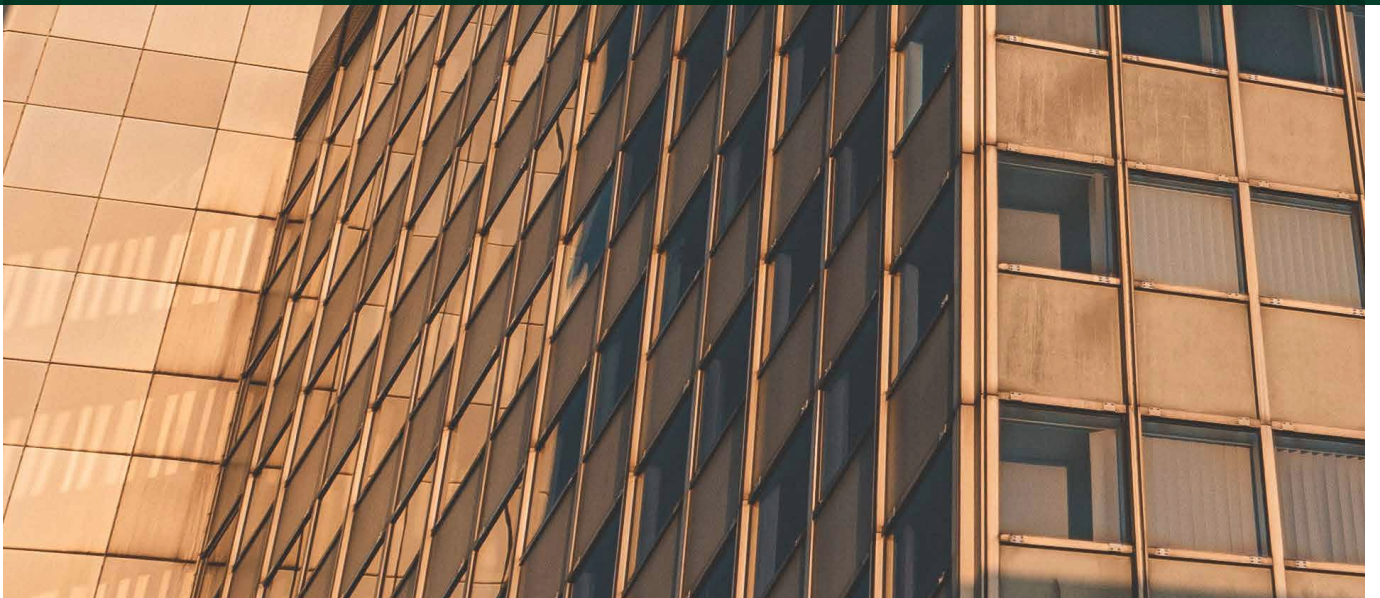


Independent workplace compliance

White Paper

Putting your asbestos knowledge to the test

August 2023



Putting your asbestos knowledge to the test

Asbestos has been a widely used building material for the last 150 years. With a number of beneficial properties, it had a host of applications and was heralded as a 'magic mineral'.

However, with a number of negative health effects becoming increasingly apparent, this magic mineral became 'killer dust' and its usage was significantly reduced and then banned in various countries, including the UK. Since this time regulation governing the proactive management of asbestos in buildings have existed in the UK for nearly two decades.

Asbestos does remain the biggest occupational health killer in England and Wales (HSE figures) however, so this month we are taking a detailed look at the subject and what duty holders should be aware of.

In this whitepaper:

1. [What is asbestos?](#)
2. [Where is it commonly found?](#)
3. [What are the issues with asbestos?](#)
4. [What are the legal regulations and guidelines covering asbestos in the UK?](#)
5. [Who is responsible for managing asbestos risks in buildings?](#)
6. [What are the recommended control measures for managing Asbestos?](#)
7. [How often should asbestos assessments be conducted and reviewed?](#)
8. [Top tips for your asbestos management](#)



1. What is asbestos?

Asbestos is a naturally occurring fibrous mineral. It is plentiful, easy to mine and had many uses as a building material as its properties included, electrical, chemical and corrosion resistance, fire proofing, as an insulator and as a strengthening agent.

There are three types of commonly used asbestos in buildings:

- **Chrysotile** (White) asbestos is a serpentine fibre (the fibres are curly - serpent like), found mostly as a filling material in items such as floor tiles, cement products, textured coatings, bitumen products and woven as insulation products in safes and electrical boxes. Chrysotile was in use in the UK until 1999.
- **Amosite** (Brown) asbestos is an amphibole fibre, sharp, brittle and needle like, primarily mined from the Amosa mines of south Africa and should really be determined by its scientific name 'asbestos grunerite'. Used mostly in insulation board (AIB), ceiling tiles and lagging insulation. Amosite was banned in the UK in 1985.
- **Crocidolite** (Blue) asbestos is also another amphibole fibre and is generally considered the most hazardous type of asbestos due to its extremely fine sharp fibres. Used mostly in lagging material, as spray coatings and pipe insulation but can be found in cement products. Crocidolite was also banned in the UK in 1985.

To differentiate the type(s) of asbestos present in any materials specialist analysis is required, as the colour of the fibres is not apparent to the naked eye.



2. Where is it commonly found?

Potentially, asbestos can be found in any building built before November 1999. Rarely, it has been found in buildings after this date and conversely numbers of buildings prior to the ban were already being built asbestos free. Because of the range of properties the mineral possessed it has had a myriad of uses and some of the common locations asbestos can be found in buildings include:

On the exterior of buildings:

- Roof tiles, roof sheets, roof felt, gutters and down pipes, soffit boards, under cloaking, flue pipes, window putty, render and damp course.

On the interior of buildings:

- Cement water tank, loose fill insulation, sprayed insulation, pipe lagging, boiler lagging, partitions, fire doors, ceiling tiles, bath panel, toilet seat, cistern and pull cord, window panels, vinyl floor tiles and the bitumen adhesive, rope seal around pipes and boilers, gaskets, paper around pipes, fire blankets, sink pads, stair nosings, safes, decorative coatings and mastic on ducting.

Because asbestos was often mixed with other products too, it is not obvious whether materials contain asbestos or not. Both voluntary and compulsory bans on using asbestos in various products and materials also means the dates at which times certain materials may have contained asbestos vary.



3. What are the issues with asbestos?

Asbestos was known as the 'magic mineral' due to its versatile nature and properties as a building material. Unfortunately, it had one major and significant drawback – if you breathe in asbestos fibres, you may increase the risk of several serious diseases, including asbestosis, mesothelioma and lung cancer.

Not everyone exposed to asbestos goes on to develop disease, which can take up to 60 years to occur, there is no current cure for asbestos related diseases.

HSE statistics for 2022 indicate 40% of the fatal lung diseases reported were asbestos related and Mesothelioma deaths in 2020 totalled 2,544.

Asbestos is still being mined today by Russia, China and Kazakhstan and exported to countries in the far east and Africa, where currently bans do not exist.

4. What are the legal regulations and guidelines covering asbestos in the UK?

Asbestos regulations have been in place since 1969, but it is the 'The Control of Asbestos at Work Regulations 2012' (CAR) which is the Statutory Instrument currently in force. These regulations place legal duties on;

- Employers responsible for licensable and non-licensable work with asbestos; and
- A specific duty on the owners or those responsible for maintenance to manage asbestos in non-domestic premises.

Regulation 4 of these regulations places that duty on those responsible to manage asbestos in non-domestic buildings, and gives a clear indication of the steps required. This covers:

- Finding out if there are any asbestos containing materials (ACM) in the premises (or assessing if ACMs are liable to be present and making a presumption that materials contain asbestos, unless you have strong evidence that they do not), their location and condition;
- Making and keeping an up-to-date record of the location and condition of the ACMs or presumed ACMs in your premises;
- Assessing the risk from the material;
- Preparing a plan that sets out in detail how you are going to manage the risk from those materials;
- Taking the steps needed to put your plan into action;
- Reviewing and monitoring your plan and the arrangements made to put it in place; and
- Setting up a system for providing information on the location and condition of any ACMs or presumed ACM to anyone who is liable to work on or disturb it.

Supporting the Regulations, the Approved Code of Practice and guidance 'Managing and working with asbestos' (second edition 2013) provides practical advice on how to comply with the duties and requirements.



5. Who is responsible for managing asbestos risks in buildings?

Managing asbestos risks is the responsibility of the 'duty holder'. A duty holder will be deemed as any person who has, by virtue of a contract or tenancy, an obligation of any extent in relation to the maintenance or repair of non-domestic premises, or any means of access or egress to or from those premises.

If there is no contract or tenancy then 'every person who has, to any extent, control of that part of those non-domestic premises or any means of access or egress to or from those premises' is a duty holder.

If there is more than one duty holder the regulations state 'the relative contribution to be made by each such person'.

Where buildings are owner-occupied or the employer has – through a contract for example – control of the building and its systems and services they will be the duty holder and responsible for meeting these obligations. Where a premises has a number of different organisations who are responsible for different parts - managing agent and tenants for example – they will be responsible for the areas under their control.



6. What are the recommended control measures for managing Asbestos?

The duty holder must ensure that a suitable and sufficient assessment is carried out. This is usually done by an asbestos management survey which should give you information on the location, extent, type and condition of any ACM's in the premises. If works are to be undertaken that may disturb the fabric of the building, then a refurbishment and demolition survey may be required. This will be a more intrusive survey and will depend on the specification of the work taking place. Information from the survey will then be used to create an asbestos register which must be made available to all those who may work on the fabric of the building.

If any ACM becomes damaged, remedial action is required to ensure there will be no further fibre release. A risk assessment will determine the severity of the damage, the correct course of action and if a licenced contractor may be required to undertake this work.

If a suspect material is uncovered, all works must stop until the material can be sampled to determine if asbestos is present or not. If the sample is asbestos then suitable action can be taken, which may be sealing, encapsulating or if part of a project works, require removal.

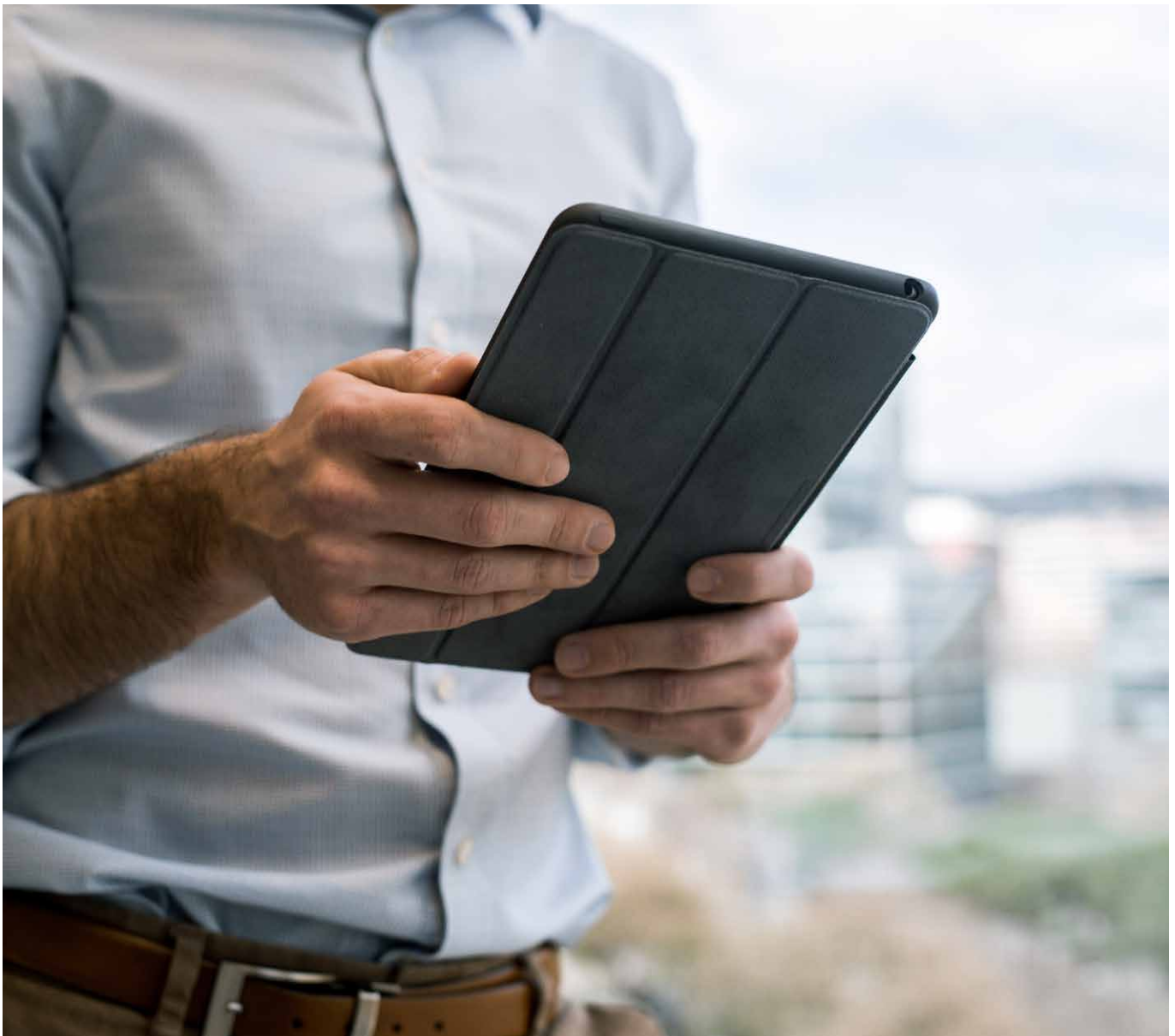
7. How often should asbestos assessments be conducted and reviewed?

When a risk assessment of each asbestos containing material (ACM) has been conducted, the material assessment (the type condition of the material) and priority assessment (the likelihood the material will be disturbed and fibres released) provide a score for each ACM in your premises. These scores should then be used to form the basis of your asbestos management plan, how you plan to successfully manage asbestos for the future and the need for further inspection of these materials.

Scores that determine annual inspection are usually well managed. If an ACM is required to be inspected on a more frequent basis, then further remedial action may be required, for example painting, encapsulating or even removal.

Asbestos re-assessments (condition assessments) should be conducted on a frequency deemed by the current risk assessment score.

Anyone providing your risk assessment and asbestos management plan should be suitably qualified to carry out this work and those providing condition assessments suitably trained to perform this work.



8. Top tips for your asbestos management

1. Check your original asbestos survey.

One of the main issues with asbestos management is not having the best information to start with. Check your asbestos survey to understand if it is suitable and sufficient. The main things to look for are –

- a. Did it cover the whole site? Were external buildings, sheds, workshops, undercrofts or external parts of the building covered? What about any old safes that may be present?
- b. Look for any caveats in the survey. What areas or items are excluded from the survey? Were electrical boxes excluded? Is there sufficient detail to understand the extent of the survey e.g. did it go above the ceiling or below the carpet?
- c. Was the asbestos identified presumed or sampled as a definitive answer may be required to improve your asbestos management.

2. Check your asbestos register

- a. Does the register include any areas of 'No access' and any caveat information e.g. all electrical boxes if not inspected?
- b. Does the register have a material assessment score and a priority assessment score and a total risk assessment score to form the basis of your management plan?
- c. Do you have an updated register when items have tested negative or have been removed to demonstrate good historical asbestos management?

3. Review your asbestos management plan and ensure it contains the following –

- a. A plan of how you will communicate the information to staff, visitors, contractors etc.
- b. An asbestos policy which is regularly reviewed and signed by the duty holder.
- c. A responsibility organogram which has details specific responsibilities, names and contact details etc.
- d. The risk assessment score for every known or presumed asbestos containing material at the site.
- e. A detailed plan of how you are going to manage each asbestos containing material on site.
- f. Details of training undertaken for all those involved with asbestos management or may come into contact with asbestos containing materials.
- g. Check that all information is accessible and easy to locate if required.

4. Check your asbestos records

Do you have air tests, plans of works, risk assessments, method statements, removal certificates, disposal certificates etc for all asbestos removal projects?

5. Ensure you carry out a regular review.

Have you documented a formal review of your asbestos management and has your management plan been updated accordingly as a result of this work?

Successful asbestos management combines good, well produced survey and risk assessment work informing an ongoing asbestos management plan (including re-assessment/condition assessments). All involved in the process, be they in-house or contracted, should be suitably trained and competent to deliver the activities/work they are being asked to perform.

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