

# Common Sense and Competence

## How to manage asbestos (or from 21st May 2004: Why not to panic!)

*It was a Monday, just like any other. A normal workday with lots of maintenance jobs to do. One of this morning's jobs was to replace some old light fittings. The old ones had been playing up for months and the accounts department said they could wait no longer. The electrician set off, apprentice in tow. On arrival, they inspected the ceiling and the old light fittings. Should be easy; remove old fittings, drill some new holes and fit the new lights. They finished by 12:30, just in time for lunch, satisfied with a good morning's work. They'd had to replace one of the ceiling tiles as it was too damaged, but otherwise the work had been straightforward.*

### Exposure exposed

What these tradesmen didn't know was that the ceiling was made of asbestos insulating board (AIB). AIB contains amosite (brown asbestos), which has the potential to cause asbestos related diseases, such as mesothelioma, a cancer of the lining of the lung.

In fact, they may never know that for a couple of hours they were exposed to asbestos. Will this exposure make them ill or kill them? Surely not? What about all those who installed asbestos, mixing, spraying and cutting it for most of their working lives, and those whose job it has been to remove it. Aren't these the ones at real risk?

It is true that the exposure of our two electricians during this routine maintenance job would have been low compared to that of anyone involved in asbestos installation or removal. Exposures for these activities could be 100s if not 1000s of fibres/ml, whereas a one-off, short duration exposure is unlikely to result in a significant risk of developing mesothelioma. Yet...

*Our electricians have been busy lately. The offices are old and they have been changing light fittings for months now, with many more similar jobs in the pipeline.*

...the profile of our tradesmen now looks very different: no longer a one-off exposure, but many of short duration, just a few fibres/ml for a few minutes, but each time increasing the risk just a little bit more.



### Past ignorance

Around 3000 people a year in Great Britain die from diseases caused by past exposure to asbestos and the figure is expected to rise to nearer 10,000 by 2010. People who work with asbestos are at risk, particularly those who are involved in the refurbishment, repair or maintenance of buildings, such as electricians, plumbers and carpenters. Research undertaken in 1995 by Professor Peto and HSE epidemiologists showed that 25% of those 3000 people who have died each year from asbestos-related diseases worked in the building industry at some point in their lives. These tradesmen will have had a variety of exposure profiles, some working alongside asbestos installers, but some, like our electricians here, doing routine jobs. What most of them have in common is that they didn't know they were working with asbestos; they didn't know they were putting their lives at risk. ►



## “over half a million non-domestic premises currently have some form of asbestos in them”

Our scenario has many parallels which have been repeated many times: boiler engineers disturbing lagging to change a valve; plumbers routing new services, and so on. Asbestos was used extensively as a building material in Great Britain from the 1950s through to the mid 1980s. Although a lot has been removed over the years, it is estimated that over half a million non-domestic premises currently have some form of asbestos in them. These buildings will all need to be maintained, repaired, refurbished or perhaps eventually demolished.

For the foreseeable future, therefore, building workers will continue to encounter asbestos, disturb it and slowly but surely increase the risk to their health, unless we manage it now.

### The duty to manage

Employers and landlords have always had duties under the Control of Asbestos at Work Regulations (CAWR) to manage asbestos-containing materials (ACMs). But HSE needed to make explicit what was only previously implied: that CAWR didn't just apply to those installing or removing asbestos. Amended Control of Asbestos at Work Regulations (CAWR) 2002 came into force on the 21 November 2002, and introduced a new regulation, Regulation 4, the 'duty to manage'.

This will require building owners and occupiers of non-domestic properties to have a plan for managing any ACMs on their premises. It does not apply inside a householder's front door but it does cover, for example, common areas of blocks of flats. This regulation will come into force on the 21 May 2004 following an 18-month lead in period.



### Plan, don't panic

As the 21st May 2004 deadline approaches amidst 'surveys are mandatory' scares and countdown clocks on the internet helpfully ticking away the time left in which to complete them, what should duty holders do? Firstly, they shouldn't panic as surveys are not mandatory; secondly, they should remember that it is a duty to manage, not a duty to survey.

The aim of this new regulation is simply to reduce the incidence of asbestos related diseases amongst building workers and others who may be routinely exposed by the presence of significantly damaged ACMs. If an asbestos management plan already exists which protects employees and others, then it works. If this has been achieved without surveying, it still works and still complies with Regulation 4 of CAWR. The factory inspector calling in on the 22nd May won't be expecting a glossy survey report, just a robust management plan. It can be any shape or size, but it must demonstrate a sound plan to minimise exposure to asbestos.

### First things first

If there's no management plan yet in place, the duty holder should first find out what is known about the premises. If there are no reliable records about the presence of asbestos, then he should start from the assumption that everything contains asbestos.

## “he should start from the assumption that everything contains asbestos”

Very small businesses, such as garages or shops, will probably never need to carry out a survey. Every job that involves working on building materials can be controlled, with samples analysed for asbestos before proceeding accordingly – and there's the plan.

The larger the organisation, the more likely the need for surveys, however. Clearly, housing associations, hospital trusts, large multi-sited manufacturing businesses and the like can't work in this way in the long term (although it may be necessary in the short term). A survey strategy will need to be devised. If there are hundreds or even thousands of buildings, then it may take many years to survey them all. If this is the case, prioritisation of the surveys will be key; as an example this might mean covering the older or the most occupied buildings first, or a local authority may give priority to the schools.

### Know your survey types

And here's another reason why not to rush in to surveying: a survey is only as good as the surveyor, and a bad survey is worse than no survey at all. There have been many cases where, for example, so-called competent surveyors have missed a boiler house in a hospital, or didn't look above ceiling tiles, and consequently failed to find two thirds of the asbestos.

HSE has published guidance on surveying<sup>1</sup> which describes the three types of survey. Type 1 locates any material that could ▶

<sup>1</sup> Surveying, sampling and assessment of asbestos-containing materials, MDHS100. HSE Books, ISBN 071762076X



contain asbestos and presumes it does without any analysis to confirm; Type 2 is a standard sampling, identification and assessment survey of 'accessible' ACMs, and Type 3 is a full access survey (typically pre-demolition or pre-refurbishment).

Problems can occur where reports hide behind these survey types. Typically, a poor report might tell you what has been found, but could include so many general caveats about what may have been missed that, save for protecting the surveyor, it's next to useless. A good report will accurately describe, for each area surveyed, the ACMs found, any inaccessible areas and the potential for concealed ACMs. The client then has confidence about planning work in an area and knows where to avoid and where is clear.

These survey types are guidelines only, and should be used as such by the surveyor. If all that is found in a Type 1 survey is a breezeblock shed with a metal clad roof, then what's left to find? This report should contain no exclusions and simply state that there's no asbestos. It's possible however, that, instead, a misinformed client could be led to believe he needs further surveys.

### Selecting a competent surveyor

So how to select a competent surveyor? Alongside the technical details of doing surveys, there is also HSE guidance on the duty-holder's responsibilities<sup>ii</sup>. This recommends the sort of training required if duty holders want to use their own staff for surveys, and what they should look for if they decided to employ an outside contractor.

The outside contractor route is likely to be the more economical unless the duty holder is responsible for a large number of properties. The HSE guidance 'strongly recommends' use of either an organisation or an individual surveyor whose competence has been verified through the United Kingdom Accreditation Service (UKAS). About 50 organisations had been accredited for asbestos surveys by the beginning of 2004, and details can be found on the UKAS website [www.ukas.com](http://www.ukas.com).

### Individual certification

The British Occupational Hygiene Society (BOHS) also has a scheme to be accredited by UKAS which will certify individual surveyors, as opposed to organisations, and this will provide a more economical route to this sort of approval for sole traders and small companies.

BOHS's scheme is called ABICS, the Asbestos Building Inspectors Certification Scheme, and details can be found on its website [www.abics.org](http://www.abics.org). A similar scheme is also being set up by the Asbestos Removal Contractors Association (ARCA) and the Royal Institution of Chartered Surveyors (RICS), which will be called the National Inspection Asbestos Certification Scheme (NIACS).

To be ABICS certified, a surveyor must have obtained a BOHS qualification, the Proficiency Module on Buildings Surveys and Bulk Sampling for Asbestos, commonly known by its BOHS module number P402.

The P402 qualification is a common theme in the routes to surveyor verification. The HSE guidance describes it as 'a basic minimum qualification for individuals carrying out asbestos surveys', and recommends it, together with some practical experience, as the starting point should you wish to use someone in-house for a survey rather than an outside contractor. P402 and other BOHS qualifications are also specified by the UKAS guidance for organisations that want to be accredited for this task.

### Competence and experience

P402 is a recommended qualification for those wishing to progress to be surveyors.

There are a couple of dozen short courses being run by various providers every month to prepare people for the examination and practical assessment for P402. Details of the qualification can be found on the website [www.bohs.org/goto/fohdocs](http://www.bohs.org/goto/fohdocs).

**“someone who had just completed a one week course on book-keeping wouldn't be employed as an accountant; the same logic should be applied to surveyors”**

P402 is a four-day course, with an examination at the end. On passing the exam and submission of two satisfactory survey reports, an individual holds P402. But this in itself will not create a competent surveyor: individuals need at least six months as an assistant to an experienced lead surveyor before they can make this claim. ►

<sup>ii</sup> A comprehensive guide to managing asbestos in premises, HSG227. HSE Books. ISBN 0717623815.

Someone who had just completed a one week course on book-keeping wouldn't be employed as an accountant; the same logic should be applied to surveyors, since the implications, both financially and for workers' health, can be massive.

Duty-holders should ask about P402, seek out a company's accreditation or an individual's certification, insist on a named lead surveyor and ask to see a copy of their curriculum vitae, irrespective of the qualifications they hold. The rule of thumb is the same whether in-house staff, an individual surveyor or a surveying company are used: ensure he or she has the relevant qualifications *and* experience.

## The management plan

*The boss is waiting for the electricians after lunch: there has been a complaint about this morning's job, a problem with dust on someone's desk that could be asbestos. They troop back to the offices; the ceiling tiles look like all the ones they have been working on for the last few months and the dust just looks like dust. But the employees are worried so the office is cleared and the health and safety officer called.*

*The health and safety officer confirms that the ceiling is asbestos, as are all the ceilings in the main office block. He shows them the impressive looking survey carried out the previous year and reminds them that the report is on the company's intranet, a click of a mouse away. The electricians should have checked it before starting work.*

In our second scenario, an asbestos survey had been completed, the location of all ACMs was known, the health and safety officer had made the information easily accessible, so what went wrong? The problem was a lack of communication of the information available, and no robust system in place to prevent work taking place on ACMs unknowingly. This company is clearly not complying with Regulation 4, despite the fact that it has carried out a survey.

A management plan is vital. A survey, if needed, is just part of the process and it's imperative that, if undertaken, any results are recorded in a way which works for that particular business



and are communicated to those who need to know. This doesn't have to be an all-singing-and-dancing intranet system. It can be a paper register up on the office wall, or accessible via the electrician's WAP phone. It simply has to work.

The management plan needs to be kept up to date. The condition of any ACMs must be monitored and registered regularly to ensure that there is no deterioration without remedial action. If no survey has been carried out, systems must be in place to monitor for damage to the building's fabric, to ensure that any damaged material found is analysed for asbestos, and that subsequent work on ACMs is controlled. Records should be amended whenever work on ACMs is undertaken. The plan and any records and registers should be living, working documents and therefore require this regular updating and auditing in order to continually prevent exposure to asbestos.

## “the amount of survey work still to be done is staggering”

Surveying for asbestos began in the 1980s, yet the amount of survey work still to be done is staggering. But this is partly down to poor planning. Many businesses that had their premises surveyed didn't keep their records up to date; asbestos may have been identified, even removed, but this wasn't recorded. As employees move on, within a few years old survey reports cannot be trusted. As a result, most are now scrapping their old records and starting again.

### Awareness

Awareness training is thus also an important factor in the success of an asbestos management programme. Maintenance personnel and contractors will need training on the systems in place to monitor and control work and how to proceed with minor tasks on asbestos. Clearly managers should know about and understand any systems that have been put in place, and anyone with specific duties, such as inspecting the condition of ACMs, may need additional training.

### Working on asbestos

In the UK work on asbestos has by law to be carried out by a contractor who owns a licence under the Asbestos (Licensing) Regulations 1983 as amended, although there are exceptions.

These exceptions apply to certain materials and products which contain asbestos, where the work is of short duration (less than one hour in seven days for each worker and less than two hours in total), and for air monitoring or sample collection to identify asbestos.

Exceptions also apply to employers undertaking work with their own employees on their own premises; in this situation the operatives still need to be competent to do the work and 14 days' notification of the start of the work should be given to HSE unless the likely exposure will not exceed the action level. ►

## “utilising a vacuum cleaner (Type H) and cowl attachments on drills to control the dust”

This all sounds complicated, but in general terms, our two tradesmen could do the work themselves if they followed good practice. HSE has produced guidance for non-licensed work, *Asbestos Essentials*, which includes two publications<sup>iii</sup> specifically targeted at such jobs, describing techniques for minor work. Examples might include utilising a vacuum cleaner (Type H) and cowl attachments on drills to control the dust. If correct, the method of work should prevent any exposure, but respirators might be recommended as an added precaution.



Vacuum cleaner and cowl being used for drilling

### Commitment

In short, the survey is the easy bit. Controlling hundreds or even thousands of employees is the real challenge: how do you stop that electrician with the cordless drill? The problem has always been that the effects of damaging asbestos go unnoticed for many decades, until those unfortunate few find out the painful truth, that they have an incurable disease.

But it can be easily prevented, providing there's commitment and awareness at all levels, so that everyone knows what to do if work on the fabric of the building is needed and how this can be done safely. This isn't based on fear, but on respect: asbestos in good condition is harmless; it is only when uncontrolled actions are taken on ACMs that there is a risk to health.

So, if you're a duty-holder and want an indicator as to whether you are complying with Regulation 4, don't click the mouse to find your survey report, start asking questions instead. Stop a tradesman and ask if the material he is working on is asbestos. Ask a department head about maintenance work and what he does if a light fitting needs changing or he sees a damaged ceiling tile. If the tradesman doesn't know or the department head can't give you a satisfactory answer, then that's the time to question the effectiveness of your management plan. ■

### About the author

Martin Stear and his colleague Tracey Boyle have recently left HSE where they were key players in the technical development of HSE's asbestos policy and were authors of HSG227 (see endnote). They have now set up an independent consultancy, Workplace Environment Solutions Ltd. Martin is also on the Board of the ABICS

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BOHS's asbestos qualifications have appeared in UKAS guidance for many years, but other modules cover fields such as manual handling, noise, testing of ventilation, and COSHH. These provide routes to general training in occupational hygiene, and also training for those just interested in particular topics, who want examinations backed by the top professional expertise in the field.

BOHS is a charity which has been concerned for over 50 years with the control of risks to health resulting from work. The new BOHS was launched in April 2003 following the merger of the original BOHS, formed in 1953, with the British Institute of Occupational Hygienists. With members from within industry, health, education and research, it is by far the biggest hygiene society in Europe and now forms a single focal point to drive forward the profession of occupational hygiene on behalf of all practitioners, regulators, academics and students in the UK and beyond.

Recognised internationally as a major professional examination and qualification body, the BOHS Faculty of Occupational Hygiene plays a vital role in developing and maintaining the professional standards of hygienists, and oversees the suite of syllabuses and examinations.

[www.bohs.org](http://www.bohs.org)

<sup>iii</sup> Introduction to *Asbestos Essentials*, HSG213. HSE Books. ISBN 071761901X; *Asbestos Essentials Task Manual*, HSG210. HSE Books. ISBN 0717618870