FERRYHILL TOWN COUNCIL

POLICY

ASBESTOS

Statement of Policy

Asbestos can pose a serious health risk to those exposed to it. The main risk is from inhalation of asbestos dust. Inhalation of asbestos is painless at the time and people affected may not realise that anything is amiss. Asbestos related disease may occur many years after exposure.
Disease is normally associated with long term exposure and may affect groups of workers such as pipe laggers, asbestos strippers, plumbers, electricians and other workers in construction and maintenance.
Environmental exposures, i.e. exposure to dust caused by the work of others, have occurred and there may be some risk to staff and members of the public in the vicinity of work on asbestos if this work is not carried out properly.
Asbestos has been used in various items of equipment from ironing boards to boilers, kilns and furnaces. In buildings asbestos has been used as an insulating material in pipe lagging and sprayed coatings, in composite materials for wall boards and ceiling tiles and in asbestos cement used for roofing sheets, pipes and flues.
Providing the asbestos materials are in good condition and remain undisturbed there is little risk to health. Any operation which could cause asbestos fibres to be released into the air poses a risk to health and steps must be taken to minimise this risk.
The risk from asbestos is of long term health effects, asbestosis, mesothelioma and lung cancer.

Asbestos is classified as a category 1 carcinogen.

In view of the serious health risks the Council will endeavour to prevent exposure or, where this is not reasonably practicable, reduce exposure to the lowest level reasonably practicable. The Council will also endeavour to identify where in its property portfolio asbestos is located and to put in place an effective management system to protect employees, contractors and the public.

The main legal requirements are found in the Control of Asbestos at Work Regulations 1987 (as amended) and the Asbestos (Licensing) Regulations 1983 (as amended). The Asbestos (Prohibitions) Regulations 1992 (as amended) provided an almost complete ban on the importation and supply of asbestos including supply of second hand materials.

Organisation and Arrangements

Town Clerk will ensure that :-

- work does not expose anyone to asbestos or, where this is not reasonably practicable that exposure is reduced to the lowest level reasonably practicable. The following points expand on how this is to be achieved;
- no work with asbestos, including removal or disposal is carried out without prior consultation with the Health and Safety Support Officer.

This consultation needs to take place for each and every job;

- a risk assessment and plan of work in accordance with the Control of Asbestos at Work Regulations is completed prior to commencement of any work which may involve exposure to asbestos;
- no work with asbestos is to be carried out without the risk assessment and plan of work being first approved by the Health Safety Support Officer;
- no contractor is to be allowed to carry out work with asbestos unless they have been researched and in addition have demonstrated competence for the type of work for which they are engaged. If in doubt consult the Health and Safety Support Officer who will advise on appropriate levels of competence;
- no consultant is to be engaged to advise on asbestos related work, including removal, encapsulation, management, surveying, sampling or training of staff without prior consultation with the Health Safety Support Officer:
- no consultant is to be engaged to advise on asbestos related work, including removal, encapsulation, management, surveying, sampling or training of staff unless they are competent to do so. **Information is available in appendix 4**
- the use of asbestos containing materials is avoided wherever possible. Where there are suitable alternatives that pose a lower risk to health and safety then these should be used;
- any contractors they engage to undertake work on Council premises where there may be exposure to asbestos are aware of the risks to their health and are competent to carry out the work safely and with minimum risk to themselves and others who may be affected;
- any contractors they engage to undertake work on Council premises where there may be exposure to asbestos are aware of presence of asbestos where it is known or suspected. This information is available on the asset register. These registers must be consulted before any contract is placed.

Health and Safety and Support Officer

- will liaise staff and others to ensure that all work with asbestos is carried out in a manner which prevents, or if that is not reasonably practicable, adequately controls exposure;
- will liaise with persons in control of work on asbestos containing materials to ensure that an adequate risk assessment has been carried out and a plan of work prepared prior to the commencement of the work;
- will advise on the appropriate level of competence for any contractor or consultant who carries out any asbestos related work for the Council;
- will, on request, advise on the need for repair or removal of asbestos containing materials listed in the asset register or any specialised asbestos register.

All employees

Employees who :-

- suspect that a particular task may expose them to asbestos should check with the Town Clerk or the Council Health Safety and Support Officer prior to starting the task;

- work with asbestos containing materials must make proper use of the control measures provided (including personal protective equipment) and must work in accordance with any specific training or instructions given.

Appendix 1

WHAT IS ASBESTOS?

This appendix gives brief general information on asbestos. More extensive information may be found in documents such as the HSE guidance *Asbestos Essentials,* HSG213.

Definition of asbestos

Regulation 2 (1) of the Control of Asbestos at Work Regulations provides a definition of asbestos. Asbestos means any of the following minerals, crocidolite, amosite, chrysotile, fibrous actinolite, fibrous anthophyllite, fibrous tremolite and any mixture containing any of those minerals.
Crocidolite is known as blue asbestos, amosite as brown asbestos and chrysotile as white. Unfortunately colour gives a poor indication of the type of asbestos present. Generally it is difficult to determine if any particular material contains asbestos or not. Experience helps but the only sure way is to send a sample for laboratory analysis. Note, even the taking of samples can involve exposure to fibres so this should only be done by a competent person.

Products that may contain asbestos

Asbestos may be found in a huge range of products. It is estimated that there have been approximately 3,500 different products made containing asbestos. Some of the various forms are pipe lagging, loose fill insulation, sprayed coatings, acoustic insulation, insulating boards, ceiling tiles, cement sheets, paper, rope, gaskets, woven products such as fire blankets, friction materials, textured coatings (e.g. Artex), thermoplastic floor tiles, reinforced PVC panels, reinforced plastic and resin (e.g. toilet cisterns), roofing felt, bitumen mastics and adhesives. It can be very difficult to know if any particular product does contain asbestos or not. The importation and supply of products containing white asbestos was not finally banned until 24th November 1999.

Health effects of asbestos

All asbestos fibres, blue, brown and white, are dangerous although the control limit for exposure to blue and brown fibres is lower than that for white.
There is no "safe" form of asbestos although products where the fibres are tightly bonded (e.g. asbestos cement) are less likely to shed fibres than products where the fibres are more loosely bonded (e.g asbestos insulating board). The main route of entry to the body for asbestos is by inhalation of fibres.

Asbestos is a known human carcinogen. Asbestos related diseases are generally incurable.
Pleural plaques are small areas of scarring and calcification of lung tissue caused by irritation of the tissue with inhaled fibres. The fibres are very inert and tend to remain embedded in tissue defying the bodies attempts to destroy them. Pleural plaques do

not cause noticable ill-health but are indicative of exposure to asbestos and can indicate increased risk of the more serious conditions.

Asbestosis generally affects people who have had heavy exposure to asbestos. The effect is scarring and thickening of the lung wall making breathing difficult and putting extra strain on the heart. Symptoms usually appear 10 to 20 years after heavy exposure. HSE statistics show that the peak year for disablement claims for asbestosis was 1996 with 479 claims. In 1997 and 1998 the number of claims fell before rising again in 1999. It is not clear if the number of cases will continue to rise for a few more years or if it will fall from now on. Certainly with increased awareness of the affects of exposure and much less heavy industry one might expect the number of cases to fall.

Lung cancer affects approximately half the people who suffer from asbestosis. The risk to smokers if greatly increased. It is thought that asbestos workers who also smoke are at approximately 50 times increased risk of developing lung cancer over those who do not smoke.

Mesothelioma is a malignant tumour of the pleura or the peritoneum i.e the membrane outside of the lungs or the abdominal organs. It has an incubation period of between 15 and 60 years. It is rare amongst people not exposed to asbestos. From the time of diagnosis patients rarely live more than six months. It is very painful in the later stages. By the time it has been diagnosed it is incurable. HSE statistics show a steady rise in mesothelioma deaths from 153 in 1968 (when the HSE register began) to 1527 in 1998. Opinions vary as to the likelihood of numbers of cases rising but one analysis predicted a peak of 10,000 cases per year by 2020.

Asbestos removal is now strictly controlled. Use of blue asbestos petered out in the mid 60's but may have been used in lagging up to 1970. Sprayed asbestos coatings were not installed after 1974. Production of asbestos insulating boards ceased in 1980. Despite this asbestos related disease remains a serious problem. It is known that those most at risk now are those in the building trade who may encounter asbestos in buildings e.g. builders, carpenters, electricians, those installing telephone and telecommunications cables. There is also some risk to the public if they are exposed to fibres from
work that is carried out without taking all the necessary precautions to control fibre release.

APPENDIX 2

WORK WITH ASBESTOS

This appendix gives brief general information on the types of work that may be carried out with asbestos. More extensive information may be found in documents such as the HSE guidance *Asbestos Essentials Task Manual,* HSG 213, the HSE guidance *Controlled asbestos stripping techniques for work requiring a licence,* HSG189/1 and *Working with asbestos cement,* HSG189/2, the HSE Approved code of practice to the Control of Asbestos at Work Regulations, L27 and ACOP to the regulations for work with insulation coating and insulating board, L28. There is also HSE guidance to the Asbestos (Licensing) Regulations 1983, L11.

Work that is not covered by the Control of Asbestos at Work Regulations

The only work with asbestos containing materials that is not covered by the above regulations is work where there is no exposure. In practice this is likely to be the exception. An example would be removing an intact fire door containing asbestos where the asbestos is not disturbed in any way. Even where the Control of Asbestos at Work Regulations do not apply the Management of Health and Safety at Work Regulations do and these require an assessment of any risks involved in the work. In the case of the fire door containing asbestos the door would have to be disposed of as special waste.
Other examples would be painting asbestos insulation, coating or insulating board where they are in sound condition or overcoating textured coatings (such as Artex) where the surface is in sound condition.

Work that may be done without a licence from the HSE

Not all work with asbestos needs to be done by a contractor licensed by the HSE. Even where there is not a specific legal requirement there may be good reasons for using a licensed contractor anyway as they generally have the expertise and equipment to cope even if the job does not go according to plan.
Work with asbestos cement may be done without a licence (although the Control of Asbestos at Work Regulations do still apply and any waste must also be treated as special waste and be disposed of accordingly).
Work with certain other forms of asbestos may also be done without a licence e.g. floor tiles and roofing slates containing asbestos.
Certain other types of work such as bulk sampling and analysis does not require a licence from the HSE.

There are three situations where work with asbestos insulation, coating or insulation board does not have to be done by a licensed contractor:-

- where the work is of short duration. This is taken to mean where the total work time is less than 2 hours and no one person spends more than 1 hour on the work in any seven consecutive days;

- where the work is in an employer's own premises using their own employees and formal notification has been given to the HSE in accordance with regulation 5 of the Asbestos (Licensing) Regulations;

- where the work is measuring fibre concentrations in the air, collecting bulk samples or clearance inspections.

A client who has engaged a licensed contractor to undertake work with asbestos insulation, coating or insulating board does not need a licence.
Neither does a Principal Contractor on a building or demolition site who has subcontracted to a licensed contractor.

Work that does require to be done by a contractor licensed by the HSE

Generally all work with asbestos insulation, coating and insulating board (other than the exceptions mentioned above) does need to be carried out by a licensed contractor.
Work involving *management* of licensed contractors only needs a licence if the person managing the work takes direct supervisory control over those actually removing, repairing or disturbing the asbestos.
Any contractor used should be on our select list. They should prepare a risk assessment and plan of work (i.e. a safety method statement) as required by regulation 5 and 5A of the Control of Asbestos at Work Regulations. This should be checked by the Health Safety and Welfare Officer before work is permitted to commence.
Anyone working with asbestos should conform to the requirements of Control of Asbestos at Work Regulations and these extend much further than just preparing a risk assessment and plan of work.

Appendix 3

MANAGEMENT OF ASBESTOS IN BUILDINGS

This appendix gives brief general information on the duty to manage asbestos in buildings. More extensive information may be found in documents such as the draft Control of Asbestos at Work Regulations 2001 and associated ACOP (still in draft form - final form not expected before spring 2002), the publication *Surveying, Sampling and Assessment of Asbestos Containing Materials,* MDHS 100, available to borrow from the Health Safety and Welfare Officer. The publication *"Asbestos and man-made mineral fibres in buildings: practical guidance"* available on the DEFRA web site is also helpful.

Purpose of managing asbestos in buildings

The purpose of managing asbestos in buildings is simple. It is to protect the health of anyone who may be exposed to fibres. The persons who may be exposed are contractors if they work on or near asbestos containing materials (ACMs), TDC employees who may encounter ACMs, members of the public who may use our buiuldings, council house tenants who live in homes owned by the Council and may be exposed if ACMs are in poor condition or if the tenant undertakes DIY on material in good condition.

Legal requirement to manage asbestos

At the time of writing HSE were still considering amendments to the Control of Asbestos at Work Regulations 1987 that would make explicit the requirement to manage asbestos in buildings. The draft regulations suggest that this would be by addition of a regulation requiring employers to assess if asbestos is, or is liable to be, present in non domestic premises occupied by the employer and in which people work. There is also to be a requirement to prepare a written plan identifying parts of the premises where asbestos is, or is liable to be, present and the measures to be taken to control the risks arising from the asbestos.
In fact existing legislation implies that asbestos in buildings should be managed. The Control of Asbestos at Work Regulations 1987 are intended to protect any person, including members of the public, not just the employers employees. Section 2(1) of the Health and Safety at Work Act requires employers to do all that is reasonably practicable to protect the health and safety of their employees. Section 3(1) imposes a similar duty in respect of people not in the employers employ.

Duty to manage asbestos in buildings

The duty on employers to manage asbestos in buildings may be summarised as a requirement to:

(1) take reasonable steps to determine the location of materials likely to contain asbestos;

(2) presume that materials contain asbestos unless there is a reason to suppose they do not;

(3) make a written record of the location of asbestos and presumed asbestos material, and keep it up to date;

(4) keep a check on the condition of asbestos and presumed asbestos materials;

(5) assess the risk of exposure from asbestos and presumed asbestos materials and record the action necessary to ensure that:

- any material known or presumed to contain asbestos which may create a risk of exposure because of its state and location is repaired or if necessary removed;
- any material known or presumed to contain asbestos is maintained in a good state of repair;
- information about the location and condition of material known or presumed to contain asbestos is given to anyone likely to disturb it.

Determining the location of materials likely to contain asbestos

Where it cannot be proved that a building does not contain asbestos then a survey must be carried out. The publication *Surveying, Sampling and Assessment of Asbestos Containing Materials,* MDHS 100 gives full details of how to locate asbestos. This publication should be studied in order to supplement the brief information given here.

Because asbestos was not finally prohibited until late 1999 only the most recent buildings or those where detailed information is available from architects on materials used can be assumed to be clear of asbestos. Even then there may be some asbestos in older plant and equipment in the building.

The purpose of an asbestos survey is to:-

- so far as is reasonably practicable, locate and record the location, extent and product type of any presumed or known asbestos containing materials (ACMs);
- inspect and record information on the accessibility, condition and surface treatment of any presumed or known ACMs;
- determine and record the asbestos type either by sampling and analysis or by making a presumption based on product type and appearance.

This publication MDHS 100 identifies three types of survey.

The first is a type 1 survey and this is where a trained and competent asbestos surveyor inspects all areas of a building or if any areas are not accessible they must be presumed to contain asbestos. Any materials which can be reasonably expected to contain asbestos must be presumed to do so.
Where it is highly likely that the material contains asbestos then there should be a strong presumption that it does. No samples are taken with this type of survey but an

assessment of the risk posed must be undertaken so information on location, extent, product type, accessibility, condition, surface treatment and presumed asbestos type should be recorded. The information will be needed to assess the risk posed by the presumed asbestos and to prepare the management plan.

The second is a type 2 survey.
This differs from a type 1 in that representative samples are taken for analysis to confirm or refute the presence of ACMs. This type of survey has an advantage over a type 1 in that it is less likely to overestimate the ACMs present in a building and will therefore reduce the burden of subsequent management activities (regular condition monitoring and repair, sampling and analysis prior to work disturbing the material).

The third is a type 3 survey.
This is carried out prior to demolition or major refurbishment. All areas of the building must be accessed and this may involve destructive inspection. This type of survey is not concerned with the condition of the ACMs as these will be removed as part of the subsequent demolition.

It is very important that anyone undertaking an asbestos survey should be competent to do so. Competency in asbestos surveying should be checked prior to engaging a consultant or contractor to undertake this work. Experience alone is not enough. To be proficient those undertaking this type of work should be able to demonstrate proficiency by, for instance, holding the P402 certificate from the British Institute of Occupational Hygienists (or equivalent)

It is very important to plan a survey. The HSE recommend consideration of five steps:-

1 preliminary site meeting and walk though;
2 desktop study to plan survey;
3 survey plan (including details of sampling strategy);
4 risk assessment for the conduct of the survey;
5 specification of the method for recording and presenting data.

Further information on each of these steps is available in the publication *Surveying, Sampling and Assessment of Asbestos Containing Materials,* MDHS 100.

Recording survey results

The whole object of the exercise is to ensure that no person is exposed to asbestos unnecessarily. The results of the survey must therefore be in a form in which they are easily accessible. This is usually done by incorporating the results into an asbestos register. This register should be readily available to officers placing contracts, any contractor likely to disturb asbestos, officers with control of buildings, the Health Safety and Welfare Officer, and anyone else with a valid reason for wishing to inspect the information. It is particularly important that workplaces remote from the Twon Hall (e.g. Mainsforth Spots Complex) have easy access to an up to date copy of the register.
The asbestos register must be updated if removal, repair or encapsulation work is undertaken or when inspection shows that the condition of the ACM has changed.

An asbestos register for a building typically consists of a set of marked up plans showing in detail the location of presumed or known ACMs in the building.

There should also be a table, spreadsheet or database containing information on:-

- location including building, floor, room and position within room;
- extent (area, length, thickness and volume as appropriate);
- product type (i.e. type of building product, insulating board, cement sheet, etc.);
- level of identification (presumed, strongly presumed or identified);
- asbestos type (chrysotile, amosite, crocidolite, etc);

and for a type 1 or 2 survey:-

- accessibility;
- amount of damage or deterioration;
- surface treatment (if any).

Checking condition of presumed or known asbestos

In order to ensure that FTC employees and others who enter or work in occupied buildings are not exposed to asbestos it is necessary to carry out a regular inspection of the condition of any known or presumed ACMs. The frequency of the inspection should be determined by consideration of the type of product and asbestos, condition, accessibility, surface treatment, use of the building and type of person likely to be in the building. The frequency of inspection needs to be decided for each separate location and type of material.
Results of the regular inspection need to be recorded both to show that they have been done and also to update the asbestos register if there has been any change in the condition of the material.
The person carrying out the inspection needs to be competent to do so. This means that they should be aware of the purpose of the inspection, the risks of exposure to asbestos and the possible consequences of not carrying out the inspection. They should be familiar with what to do with the results including action to be taken if condition has deteriorated. They should be supplied with marked up plans showing the location of the asbestos and also a pro forma for recording the inspection results.

A convenient scoring system for condition is given in MDHS 100:-

- 0 Good condition: no visible damage.
- 1 Low damage: a few scratches or surface marks; broken edges on boards, tiles, etc.

❖ 2 Medium damage:	significant breakage of materials or several small areas where material has been damaged revealing loose asbestos fibres.
❖ 3 High damage or delamination of materials, sprays and thermal insulation.	Visible asbestos debris.

Assessing risk from asbestos in buildings

Depending on the findings of the survey (type 1 or 2 only) a decision must be made as to the risk posed by the asbestos known or presumed to be in buildings. This risk assessment may be provided by whoever carries out the survey or may be made separately using information from the survey. This should be decided when planning the survey. In any event the risk assessment needs to consider use of the building and type of person likely to use it as well as factors identified during the survey. The duty to assess the risk is an ongoing one and is with the person responsible for the building i.e.
the duty holder under the Control of Asbestos at Work Regulations. The duty to assess the ongoing risk posed by asbestos does not rest with the asbestos surveyor. There seem to be several methods available for assessing risk of asbestos in buildings. These may be useful in deciding the priority for action. MSDS 100 regards the risk assessment as being in two parts. The first part is a material assessment, which MSDS 100 states should be provided by the asbestos surveyor. The second part is a priority assessment and this is the responsibility of the person responsible for the building.

Factors considered in the material assessment algorithm are:-

- ❖ product type;
- ❖ extent of damage;
- ❖ surface treatment;
- ❖ asbestos type.

Factors considered in the priority assessment algorithm are:-

- ❖ main type of use and occupant activity;
- ❖ other secondary activities in the building;
- ❖ location of ACM in relation to likelihood of disturbance;
- ❖ extent / amount of ACM;
- ❖ accessibility of ACM;
- ❖ frequency of human use of the area;
- ❖ average time area is in use;

- number of occupants
- frequency of maintenance activities;
- type of maintenance activities.

Further details of risk assessment for asbestos in buildings can be obtained from MDHS 100.

Preparing a written management plan

Where ACMs are found in buildings or on sites a written management plan must be prepared. The intention of this plan is to record action necessary to ensure that:-

- any material known or presumed to contain asbestos which may create a risk of exposure because of its state and location is repaired or if necessary removed;
- any material known or presumed to contain asbestos is maintained in a good state of repair;
- information about the location and condition of material known or presumed to contain asbestos is given to anyone likely to disturb it.

Put simply the plan must set out how it is intended to manage the risks from any asbestos found during the survey.
The plan should incorporate the results of the risk assessment (see above) and should state what control actions or management actions are necessary to reduce risk. In other words it should state if the asbestos is to be left in place, removed, repaired, encapsulated. If left in place the plan should state what arrangements will be made for regular inspection. It should also state what action will be taken to ensure that information from the register is brought to the attention of people such as officers placing contracts, contractors engaged to work on or near the asbestos, building managers, maintenance workers, the Health Safety and Support Officer and anyone else who may need it.

The plan, like the asbestos register, does need to be updated as and when necessary. Document control is very important if paper copies of the register or plan are issued as out of date information can result in potentially expensive precautions being taken unnecessarily.

Management and control actions for asbestos containing materials

Management and control actions may include:-

- keeping and maintaining an up to date log of the location, condition, maintenance and removal of all asbestos containing materials on the premises;

- repairing, sealing or removing ACMs if there is a risk of exposure due to condition or location;
- maintaining in a good state of repair;
- informing anyone who is likely to disturb the ACMs about the location and condition of the material;
- having arrangements and procedures in place so that work which may disturb the materials complies with the requirements of the Control of Asbestos at Work Regulations.;
- reviewing the plan at regular intervals.

Materials which are in good condition and are unlikely to be damaged or disturbed are probably best left in place and managed.
Materials which are badly damaged may be removed or repaired. Which option is best depends on whether they are likely to be subject to damage or wear and tear and factors such as planned refurbishment. Repair would involve making good and sealing the ACM or encapsulating it. Sealing simply bonds the fibres to the surface sealants can be a simple as a coat of paint.
Special plastic paint may be used and this is likely to be more hard wearing than ordinary paint. Encapsulation, e.g. with PVC can give a very durable surface. Any repaired ACMs do, of course, need to be subject to a management system which should be documented in the plan.
Any work with asbestos must be performed by a competent person, see Appendix 4.
Any asbestos that is left in place (even if repaired or encapsulated) must be regularly inspected. See section above on "checking condition of presumed or known asbestos" for more details.

Anyone likely to disturb the asbestos must be given information about the location and condition of it. This is obviously important for contractors working on or near the ACMs but it also applies to anyone else who may disturb the material. Labelling of ACMs is something that the HSE believe does contribute to reducing risk. Labels may be posted on the outside of unoccupied buildings to warn contractors or indeed the emergency services (e.g. in the event of a fire). Labelling individual ACMs within a building can also be useful to reduce the risk to both contractors and TDC employees who may have to undertake minor maintenance work or who may disturb the asbestos inadvertently (e.g. Dyrons equipment store).
The question of labelling individual ACMs within public areas of buildings is more contentious. This will need to be decided on a case by case basis taking into account the views of the managers in control of the buildings.
The question of labelling individual ACMs within Council houses is even more contentious and may be best decided with input from elected members of the Council.