

HEALTH AND SAFETY
GUIDANCE NOTE

ASBESTOS



NFU Mutual

Risk Management Services

INTRODUCTION

Asbestos is a term used for various naturally occurring minerals that have crystallised to form sharp fibres / fibre bundles. The fibres have high tensile strength, and chemical, electrical and heat resistance, and were widely used for these properties. Three main types of asbestos that can still be found in premises are chrysotile, amosite (also referred to as grunerite) and crocidolite, which were widely imported and used in the UK. These are also referred to as white, brown and blue asbestos respectively. All of them are dangerous carcinogens, but blue and brown asbestos are more hazardous than white. Despite their names, you cannot identify them just by their colour.

WHAT ARE THE DANGERS FROM ASBESTOS?

Although asbestos is a hazardous material, it can only pose a risk to health if the asbestos fibres become airborne and are then inhaled. Asbestos Containing Materials (ACMs) only release fibres into the air when they are disturbed. It is therefore important that you maintain all your ACMs in good condition.

Breathing in asbestos fibres (especially high concentrations, but small amounts too) can lead to asbestos related lung diseases, mainly cancers of the lungs and chest lining. These diseases kill more people than any other single work related illness and are currently responsible for around 4,500 deaths a year in the UK. Most of those now affected were exposed to asbestos in the 1950s to the early 1970s when ACMs were widely manufactured and installed. There is usually a long delay between first exposure to asbestos and the onset of disease. This can vary from 15 to 60 years. The largest group of workers with asbestos-related diseases are those in construction and maintenance trades - such as carpenters, electricians and cable layers etc. However potentially all occupants of a building where there is a release of fibres into the environment could be at risk.

Activities that are most likely to disturb the materials and releasing fibres are:

- A direct action on the material surface (e.g. drilling, cutting, breaking, etc.);
- Removal of the material (e.g. stripping, de-cladding, etc.);
- The demolition of buildings containing asbestos;
- Activities that cause minimal but repeated damage (e.g. an unprotected asbestos insulating board panel on the back of a door which is continually being accidentally knocked or scraped);
- Repeated disturbance of damaged asbestos by vibration, mechanical action, strong air currents etc.

ASBESTOS IN BUILDINGS

Although over the past few decades asbestos containing materials have been gradually banned from use in new or refurbished buildings, it can still be found now in many premises. You can only be certain of a building being free from ACMs if it was built after 1999 (provided that a reputable contractor was used), when the last of the prohibitions on the use of asbestos (asbestos cement for e.g. the use in roof sheets / gutters) came into force.

Any building built before this date may contain asbestos. Typically asbestos was used for the following:

- Loose asbestos packing between floors and in partition walls;
- Sprayed asbestos on structural beams and girders;
- Lagging on pipe-work and boilers, heat exchangers, etc.;
- Asbestos insulating board ceiling tiles, partition walls, service duct covers, fire breaks, heater cupboards, door panels, lift shafts linings, fire surrounds, soffits, etc.;
- Asbestos cement products such as roof and wall cladding, bath panels, boiler and incinerator flues, fire surrounds, gutters, rainwater pipes, water tanks, etc.;
- Other products such as floor tiles, mastics, sealants, decorative coatings, rope seals and gaskets, millboard, paper products, cloth (fire blankets, etc.) and bituminous products (e.g. roofing felt).

WHAT ARE MY LEGAL RESPONSIBILITIES TO MANAGE ASBESTOS?

If the age of the building or other information (e.g. building plans, builders' invoices, consulting architects) provides strong evidence that no ACMs are present, then you do not need to do anything.

If you own, occupy, manage or have responsibilities for non-domestic premises which may contain asbestos, or if you are responsible for the non-private, i.e. common parts of domestic premises like hall and lift areas in flats, you will have a legal duty to manage the risk from this material; or a duty to co-operate with whoever manages that risk.

The duty to manage asbestos is included in the Control of Asbestos Regulations 2012 [Control of Asbestos Regulations (Northern Ireland) 2012]. The main duty to manage is placed on the person responsible for maintaining the fabric of the building.

Your duties to manage the risk from asbestos include the following:

- Finding out if there is asbestos in the premises, its location and what condition it is in; or
- Making and keeping up to date a 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 to manage the risk from the materials;
- 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 the material to anyone who is liable to work on or disturb it.

HOW WILL I KNOW IF ANY ASBESTOS CONTAINING MATERIALS ARE PRESENT?

If the building was constructed or refurbished before 2000, ACMs may be present. You must do all that you reasonably can to find ACMs. This is usually accomplished by carrying out an 'asbestos survey', i.e. a thorough inspection of the premises, inside and out, to identify ACMs.

Asbestos surveys must be carried out by 'competent surveyors', experienced and trained to carry out the work. This can be 'in-house' staff or a third party, but a competent surveyor must:

- Have sufficient training, qualifications, knowledge, experience and ability to carry out their duties in relation to the survey and to recognise their limitations;
- Have sufficient knowledge of the tasks to be undertaken and the risks which the work will entail;
- Be able to demonstrate independence, impartiality and integrity;
- Carry out the survey in accordance with recommended guidance (i.e. HSE's 'Asbestos: The survey guide', see Further Guidance at the end of this guidance document).

You should ensure that any third party surveyor or organization that you may engage for the survey:

- Is accredited or certificated for asbestos survey work, and have evidence of their training and experience in such work;
- Is going to carry out the survey in accordance with the relevant HSE guidance; and
- Has evidence that they have suitable liability insurance.

You need to ensure a record is prepared (an asbestos register), showing where the asbestos or presumed asbestos is, the type if known, its form, and what condition it is in. The record should be practical, clear and always available at the premises so that you, or any other person that needs to know where the ACMs are, can easily find them. If it is stored electronically (e.g. on a PC), it may be easier to update. There may be some areas of the premises which you cannot look at, such as in roofs and heating ducts and behind wall partitions. You should ensure these are noted on your record and presume ACMs may be present, unless you have strong evidence that there is not.

HOW DO I FIND OUT WHAT THE RISK IS FOR MY BUILDING(S)?

An assessment needs to be carried out to determine the potential that asbestos fibres are released into the air, which depends on the type of ACM, the amount of it, its use / likelihood of disturbance, and its condition.

The risk from ACMs is higher if the surface of the material or the protective coverings designed to protect the material is damaged, frayed or scratched, if the surface sealants are peeling or breaking off or if the material has become detached from its base. This is a particular problem with pipe and boiler lagging and sprayed coatings. Other indicators may be the presence of dust or debris from damage near the material.

In some cases, materials suspected of containing asbestos may need to have samples analysed. Often, this is the only way of being certain that material contains asbestos or not. In any case, surveyors should always endeavour to positively identify ACMs, taking a sufficient number of samples, and avoiding 'default presumption' wherever possible. It is essential that samples for analysis are only taken by competent, suitably trained people, in accordance with safe guidelines.

Do not break or damage any material which may contain asbestos to try to identify it.

WHAT ACTION DO I NEED TO TAKE IF ACMS ARE PRESENT?

Depending on the risk, you will need to decide whether it is safer to leave it in place and observe it (e.g. the ACM is in good condition, is not likely to be damaged and is not likely to be disturbed), or whether it should be repaired, sealed, enclosed or removed (e.g. if the ACM is in poor condition or is likely to be damaged or disturbed). If you are unsure and cannot decide what action to take, seek specialist advice, e.g. from an asbestos surveyor, or a licensed contractor.

Documenting your plan in the form of an “asbestos management plan” will allow you to demonstrate that you are fulfilling your duties to manage asbestos.

MANAGING ASBESTOS LEFT IN PLACE

If you decide to leave ACMs in place, make a note of where they are on your records and keep this information up to date. You must make sure that everyone who needs to know about the asbestos is effectively alerted to its presence, e.g. maintenance workers, contractors etc.

You do not need to label ACMs (with a warning sign or some other warning system, e.g. colour coding), but you need to make sure that those who might work on the material know that it contains or may contain asbestos. Be mindful that labelling ACMs does not imply that unlabelled materials are asbestos free.

You will need to introduce a method that will ensure anyone in-house or who comes to carry out work on the premises does not start before they are given the relevant information on any asbestos present. The information should be supplied well before work is intended to start so that the correct precautions can be implemented.

REPAIR AND REMOVAL

If asbestos is likely to be disturbed during routine maintenance work or daily use of the building, it will release fibres. If it can be done safely, damaged or 'friable' asbestos may be made safer by sealing or enclosing it to prevent further fibre release. If it cannot be easily repaired and protected, it may be best to have it properly removed.

You may be able to carry out some minor 'non-licensed' / 'non-notifiable' work on low risk ACMs. However, 'licensed' and / or 'notifiable' work with asbestos (e.g. most work on asbestos insulation, asbestos insulating board and lagging, including sealing and removal) may only be carried out by licensed, competent persons, trained to carry out the task, i.e. a 'competent' tradesman or a licensed asbestos removal contractor. Generally, it is always safer to use competent, experienced contractors for any work with ACMs.

Remember to update your asbestos survey and register / management plan following the work.

DISPOSAL OF ASBESTOS

Asbestos containing materials are deemed 'hazardous' or special waste. As such, specialist disposal arrangements are required for these materials. The materials should always be disposed of using a suitably licensed waste or special contractor. You should ask to see proof that companies are appropriately licensed before allowing them to collect your materials. The collection, transport and disposal of the waste must be conducted in accordance with relevant environmental regulations.

MONITOR AND REVIEW THE EFFECTIVENESS OF THE PLAN

Make sure that you have an effective plan for inspecting ACMs left in place, including those you have sealed or enclosed, to make sure that the condition has not changed. The time between inspections will depend on the type of material, where it is and its condition, but it should be at least every six to 12 months.

You will need to check that the arrangements to control the risk, set out in your plan, have been put in place and are working effectively. You must also review the plan if there are significant changes that will affect these arrangements, for example if the work on the premises has changed, or if any of the ACMs are removed.

FURTHER GUIDANCE

- HSE website “Asbestos in the Workplace”
www.hse.gov.uk/asbestos/
- HSE website “Asbestos Essentials”
www.hse.gov.uk/asbestos/essentials/index.htm
- INDG223 Managing asbestos in buildings – a brief guide
www.hse.gov.uk/pubns/indg223.htm
- L143 Managing and working with asbestos – approved code of practice and guidance
www.hse.gov.uk/pubns/priced/l143.pdf
- HSG264 Asbestos – the survey guide
www.hse.gov.uk/pubns/priced/hsg264.pdf

These documents are available to download free of charge from www.hse.gov.uk/pubns/books

ASBESTOS SURVEY TEMPLATE

No.	Building	Occupancy	Location of asbestos	Condition	Action required	Target completion Date	Action Complete

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VERSION: 1.1 – 2015

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