

Asbestos Update 2013



assessing & managing
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Asbestos Update 2010



- Introduction
 - Update on latest statistics
- HSE Awareness Campaign
 - Target Audience
- Duty to Manage Review
 - Outcomes and Likely Actions
- Changes for 2009
 - MDHS100 Revisions
 - Social Housing
- News Roundup

Headline Statistics



- 2006 Statistics identified that each week
- **3 Plumbers**
- **20 Tradesmen**
- **6 Electricians**
- **6 Joiners**
- **Died from asbestos exposure**

Current Statistics



	Mesothelioma	Lung Cancer (Est)	Asbestosis
2006	2056	2056	111
2009	2321	2000	411
2010	2347	2000	169

Why the change 2006- 2009 but little change 2009-2010?

Current Statistics



- Currently estimated 75% of deaths have a construction link.
- Detailed research on-going research into Mesothelioma with interviews of those diagnosed.
- Reason trying to establish the link to the other 1000 deaths per annum.

Current Statistics



- Latest research suggests that Peak in Deaths will occur around 2025.
- By this time over 90,000 people will have died.

Current Statistics



- *“Among women 22% of mesotheliomas were attributable to occupational exposures and 16% to domestic exposures, with 62% not attributable to occupational or domestic exposure.”*
- *HSE RR696. Occupational, domestic and environmental mesothelioma risks in Britain 2009*

Non-Occupational Mesothelioma



- Increase in teacher Mesothelioma
- 1991-2000 122 Teacher Deaths
- 2002-2005 75 Teacher Deaths
- Increase Union concern about risks
- Greater Media coverage of schools issues
- Concerns about long terms low level exposure
- Issue with these statistics is that occupation not always recorded and ignored for those over 70.
- Also does not consider caretakers, classroom assistants etc

Non-Occupational Mesothelioma



- Howie is suggesting that children are being exposed to low level asbestos at school.
- Then being exposed to low levels in the home.
- For the last 2 years HSE Committee on Carcinogenicity have been expected to report on relative risk to children. Now expected May 2013

Non-Occupational Mesothelioma



- The Netherlands
- June 2010 report to Minister of Housing titled *Asbestos: Risks of environmental and occupational exposure* produced by Health Council of the Netherlands.
- Existing Dutch occupational exposure limit 0.01 f/ml.
- 2007 estimate 400 mesothelioma deaths.
- Conclusion

	Current	Proposed
Max permissible risk	0.01f/ml	0.0013f/ml
Negligible risk	0.0001f/ml	0.000013f/ml

Non-Occupational Mesothelioma



- *UK Research 1986 suggested*
- *Rural asbestos levels 0.0001 f/ml*
- *Urban Asbestos Levels 0.0001-0.01 f/ml*
- *Domestic Levels in 1986 0.0003- 0.0011*

	Current	Proposed
Max permissible risk	0.01f/ml	0.0013f/ml
Negligible risk	0.0001f/ml	0.000013f/ml

Diane Willimore v Knowsley MBC



- Judge Stated:
- *“The fact that mesothelioma can be triggered by very small quantities of asbestos does have the consequence that it may in principle have been caused by asbestos encountered in the general environment or from some other unknown cause”*

Diane Willimore v Knowsley MBC



- In this instance it had been held that exposure had been more than the de minimus and had materially increased the chance that she would develop mesothelioma later in life.
- The Councils legal team have stated that
 - *“local authorities were likely to face thousands of claims similar to Mrs Willimore’s over the next 40 years, but already find it impossible to obtain public liability insurances against asbestos-related risks.”*

Why is this important



- European Parliament Committee on Employments & Social Affairs
- Draft Report on asbestos related occupational health threats and prospects for abolishing all existing asbestos (2012/2065(INI).
- Recommending a number of changes
 1. a change to the Dutch approach.
 2. removal of all ACMS by 2025
 3. Greater non-occupational related changes
- Will be voted on 24th January 2013
- May info amended scheduled for 2015

Evaluation of Duty to Manage



Table 4.1: Dutyholder perceptions of the proportion of managed buildings that contain asbestos

% of buildings containing asbestos	Representative sample %	Local Authority %	Managing Agent %	Housing Association %
100	8.3	2.2	0.0	3.1
80-99	2.6	19.4	4.0	3.1
50-79	4.1	21.5	14.0	7.1
20-49	3.6	12.9	14.0	1.0
Less than 20	7.6	24.7	37.0	15.3
None	65.0	2.2	15.0	62.2
Don't know	8.8	17.2	16.0	8.2
Base (N)	693	93	100	98
Missing (N)	4	7	3	2
Total (N)	697	100	103	100

- 2011 report published by HSE as part of a review of Duty Holder Understanding

UK Regulation Update



- April 2012 Regulations updated and introduction of CAR 2012.
- Now have 3 categories of asbestos work
 - Licensed asbestos work
 - Notifiable Non-Licensed Works (NNLW)
 - Non-Licensed Works
- Change in regulations required as UK had not implemented the requirements of the directive correctly.

Licensed Asbestos Work



- The contractor will need.
 - Training – 3 day practical
 - HSE licensed to work with asbestos
 - Risk Assessments
 - Equipment
 - Insurance
 - Method Statement
 - Medical Surveillance for operatives
 - Notification of works (14 days)
 - Document retention (40 Years)

Licensed Asbestos Work



- Contractors authorised to undertake licensed work deemed competent by the Health & Safety Executive.
- A License is generally valid for a period of 3 years.
- Each licensed job needs to be notified to HSE 14 days prior to the start.
- Currently 492 License holder down from approximately 800 in 2006

Licensed Asbestos Work



- Decontamination Unit & NPU



Regulations CAR 2012 Update



Illustration of Asbestos Work Categories




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European “Reasoned Opinion”
(Two omitted terms in green below)


HSE


Article 3(3) (a) and (b) of the Directive states;

- Provided that worker exposure is SALI, and.... the exposure limit will not be exceeded, Articles 4, 18 and 19 (covering notification, health surveillance and emergency plans) may be waived where the work involves:
 - (a) short, non-continuous maintenance activities *in which only non-friable materials are handled;*
 - (b) (b) removal *without deterioration of non-degraded* materials in which the asbestos fibres are firmly linked in a matrix;


CAR 2006 states.....

- (i) short, non-continuous maintenance activities,
- (ii) removal of materials in which the asbestos fibres are firmly linked in a matrix,

***** SALI is: Sporadic and Low Intensity


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Reasoned Opinion


HSE

- In the EC’s view the omission of the two terms in CAR2006 had the effect of:
 - widening the scope of the exemption
 - thus allowing more types of work to be exempt from the three requirements (notification of work, medical examinations and record keeping)

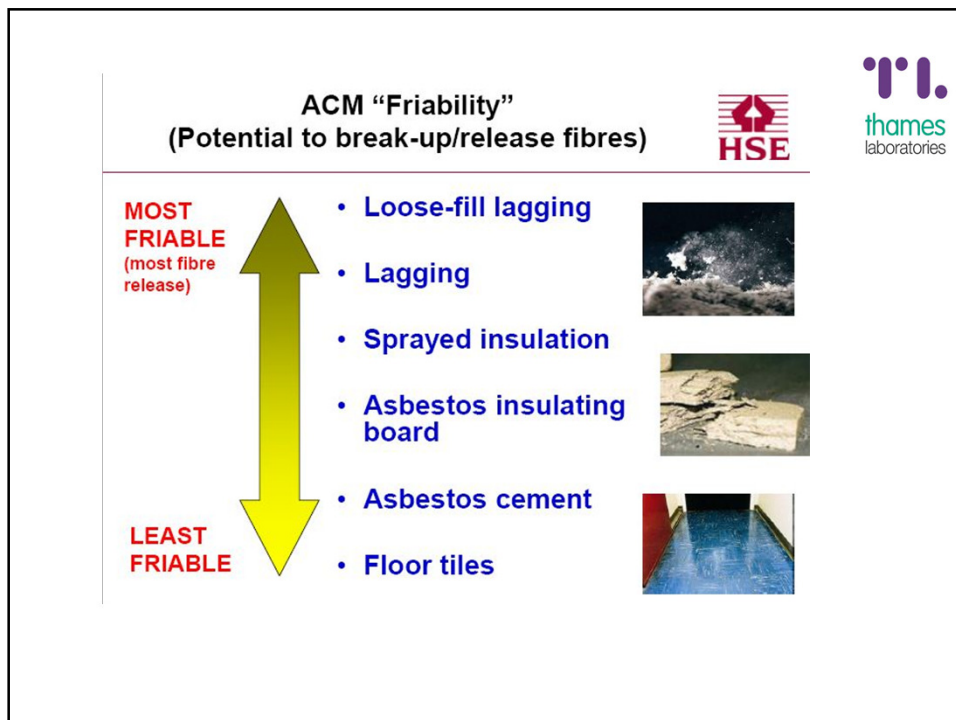
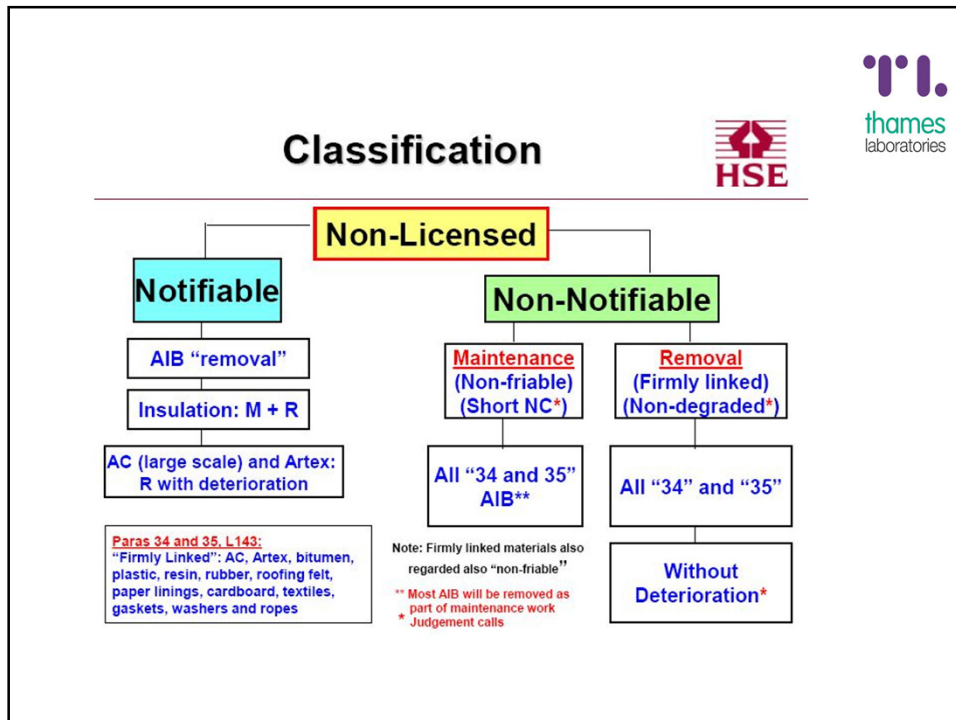


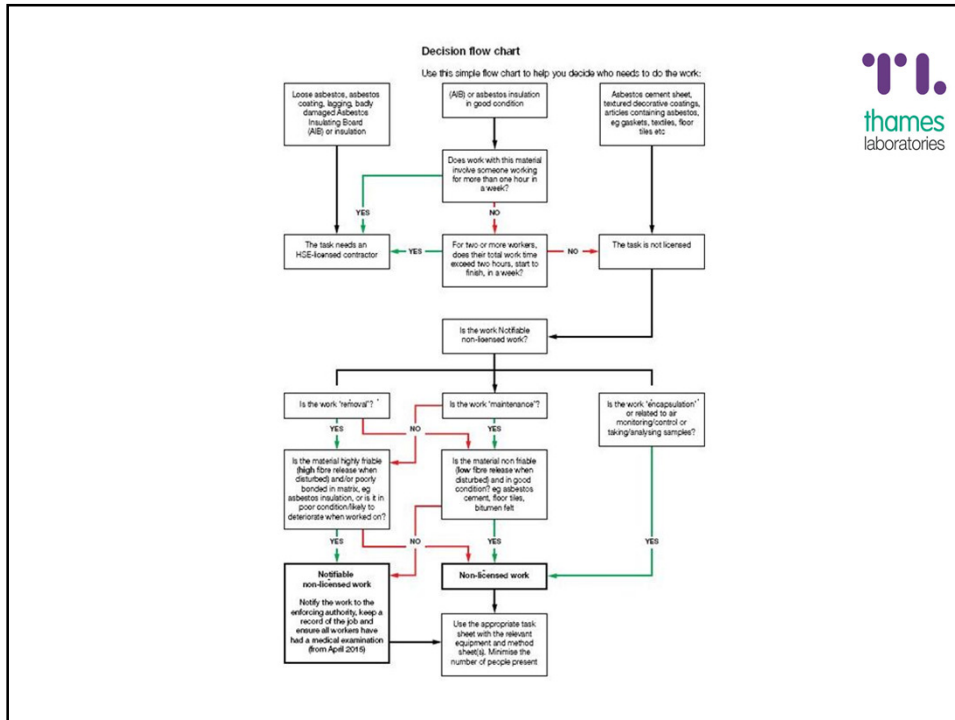
Non-licensed work requires:	NNLW requires:	Licensed work requires:
<ul style="list-style-type: none"> -compliance with risk assessment -control of exposure -training requirements 	<ul style="list-style-type: none"> - notification before work starts - medical examinations every 3 years -health records - compliance with risk assessment -control of exposure -training requirements 	<ul style="list-style-type: none"> - licensing - notification 14 days in advance - emergency arrangements - designation asbestos areas - medical examination every 2 years -health records - compliance with risk assessment -control of exposure -training requirements

Terminology



- SALI
Sporadic And Low Intensity
Control Limit not exceeded less than 2 hours in duration
- Firmly Linked*
- Non-degraded*
- Without deterioration*
- Non-friable*





Maintenance v Repair




Definition of "Maintenance" Work (CDM 2007)




Regulation 2 "Interpretation":


- (a) "construction work" means the carrying out of any building, civil engineering or engineering construction work and includes—
 - (a) the construction, alteration, conversion, fitting out, commissioning, renovation, repair, upkeep, redecoration or other maintenance.....
- Small scale renovation is "maintenance" and larger scale renovation and refurbishment will be "removal" (for AIB)




Changes to the Legislation: NNLW: Requirements for Notification




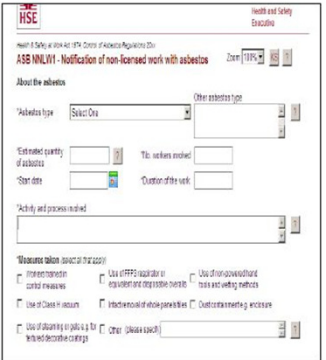
- (i) Notification of NNLW work must include the following details:
 - name and address/phone number and a brief description of:-
 - location of the work site
 - type and quantities of asbestos handled
 - activities and processes involved
 - number of workers involved
 - start date and duration of work
 - measures to limit exposure
- Method of notification will be completion of an online form, similar to the existing ASB5 used by licensed contractors
- New database will be shared by HSE, ORR, ONR and LAs
- New form is "ASB NNLW1"
- Form is available from "forms" section of HSE website
- No other route of notification will be accepted




ASB NNLW1 Notification Forms










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Changes to the Legislation: NNLW: Requirements for Medicals




- **(ii) Medical examinations:**
 - Must include an examination of the chest and be carried out by a registered medical practitioner
 - Carried out every three years
 - Three-year implementation period (April 2015)

- **(iii) Registers of work (health records):**
 - Must contain:
 - Details of the individual worker
 - The nature and duration of work with asbestos and exposure
 - Dates of the worker's medical examinations
 - More detailed medical records will be kept by the doctor
 - Registers of work (health records) must be kept for 40 years


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Implications of the Changes: Who will have to Notify?



- Organisations carrying out AC roof removal/demolition
- Organisations which deal with “non-licensed” rubble
 - eg AC
- Companies who carry out “larger-scale” removal of textured coatings
 - eg insurance related work
- Companies who do short-duration work on asbestos insulation
- Companies who do “short-duration” “removal” of AIB
 - eg demolition

Asbestos cement flue





- You need to remove a short asbestos cement flue to install a new boiler. You will need to break the flue to remove it.
- How would this work be classified and what actions should you take?

AC flue removal





- SALI and below control limit
- Work on non friable material
- Short non-continuous maintenance activity
- Removal is incidental to the main purpose – changing the boiler
- **Non-licensed – non-notified**
- Use AE control sheet etc.

AC flue removal





- SALI and below control limit
- Work on **non friable** material
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AC roof




- SALI and below control limit
- Removal of firmly linked in matrix
- Old asbestos sheets – weathered – not degraded
- Removal using ‘pecker’ that results in sheets being broken into small pieces – deterioration – non-licensed but notified
- Use AE control sheets and EM sheets when available




AC roof

- SALI and below control limit
- Removal of firmly linked in matrix
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Work with Asbestos

- Companies who carry out "larger-scale" removal of textured coatings
 - eg insurance related work
- Why has this been included?
- Are the works SALI?



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Non-licensed tasks

Some trades likely to disturb asbestos

Anyone who works on the fabric of a building, may be at risk of disturbing asbestos. This includes:

- electricians, joiners, plumbers, gas fitters, shop fitters, heating and ventilation engineers.
- labourers, roofers, plasterers, demolition workers and other workers in construction.
- phone and data engineers, alarm installers; and
- surveyors, general maintenance engineers, painters and decorators.

Advice on non-licensed work with Asbestos

Introduction to 'Asbestos essentials' task sheets

This sheet tells employers, managers and solo-traders what to do when they need to work on or near asbestos-containing materials (ACMs). It will help you to decide what category of asbestos work it is and how to plan the work safely.

Why is asbestos a problem?

Large amounts of asbestos were used in new and refurbished buildings before 2000. Usage began to decline in the 1970s and blue asbestos (crocidolite) had a voluntary ban in 1970. Blue and brown (amphibole) asbestos were banned by law in 1985. Use of white asbestos (chrysotile) were banned in 1999. Everything else and most second-hand supply (except for very high performance materials) was banned by 2000. Therefore, all supply of materials containing asbestos is banned, including making materials available to a third party in any way, whether or not for any payment.

A large number of premises and older plant and equipment still contain some form of asbestos. Much of the asbestos will be hidden in the fabric of the building so not immediately obvious – it is also unlikely to be recorded in the building plans. Workers most likely to come into contact with asbestos-containing products are those in the construction, maintenance, refurbishment and related trades.

When asbestos materials are damaged or disturbed they can release dangerous fibres which, if breathed in, can cause serious diseases. Around 4500 people in Great Britain die every year from asbestos-related diseases, making asbestos the single greatest cause of work-related deaths.

What you need to do

- Before starting work you need to check what asbestos is present, in commercial properties there should be a plan/register – ask to see it. You need to check that the plan covers the area of the building that you will be working in and if you are doing refurbishment work that it includes a survey that tells you what types of asbestos is present and it's condition. If there is no register or survey or the report is not clear – do not start work. Alternatively, you can assume that any material you need to disturb does contain asbestos. The client also needs to see your plan of work to understand what work you are going to do, and how.


Decision flow chart



Use this simple flow chart to help you decide who needs to do the work:

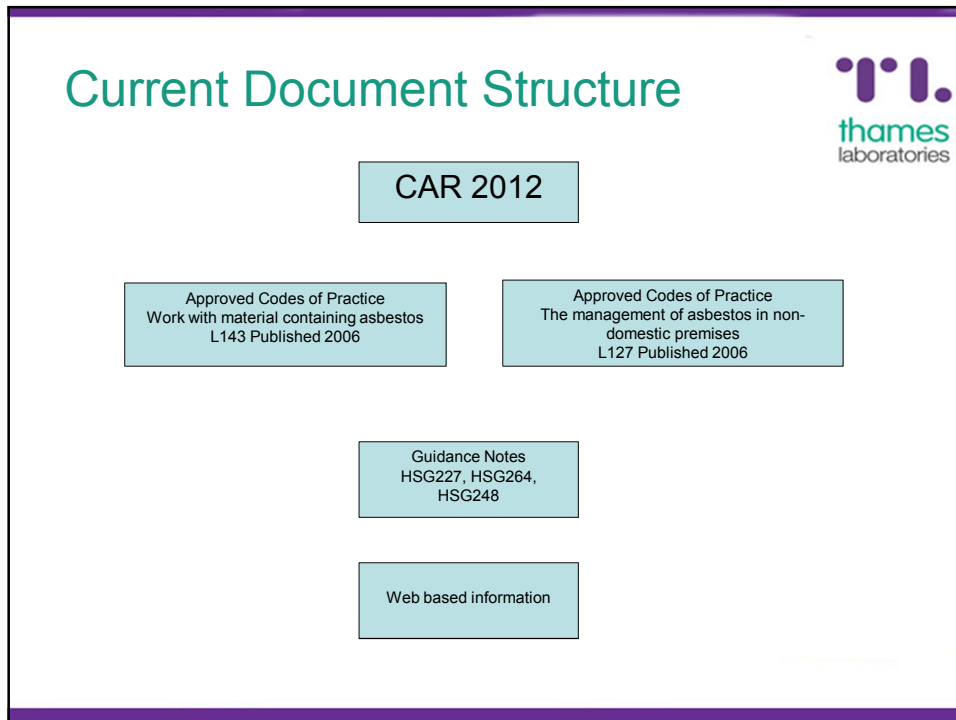
Asbestos essentials 30 Advice to solo traders and managers Introduction to task sheets 5 of 7 pages

Soffit Guidance

- Due to a number of interventions by HSE and a lack of clarity within the Guidance HSE developed an ALG (Asbestos Liaison Group) memo 0312. The removal of external AIB soffits
- Published November 2012 and relates to licensed works.






Lofstead Review

The Lofstead Review content includes a single bullet point: 'This will result in amendments to the document structure, HSE have consulted on this but it would appear the rather than making things easier futures structure will be more complex'. The Thames Laboratories logo is in the top right corner.

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- This will result in amendments to the document structure, HSE have consulted on this but it would appear the rather than making things easier futures structure will be more complex

Proposed Document Structure




CAR 2012

Single approved Code of Practice
Due for consultation May-July 2013
Publication November 2013
Likely to include section on Social Housing

Guidance Notes
Structure yet to be determined no resource within HSE available until 2013-2014. Analyst guide almost complete so will be first issued, followed by Non-Licensed Guide and then Licensed Guide

Web based information. This is likely to change in advance of other documents so what is right and wrong will be unclear!



Questions