LEAFLET 54

MANAGEMENT OF ASBESTOS IN NON-DOMESTIC PREMISES

CONTENTS

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REGULATIONS COVERED

1 The Control of Asbestos at Work Regulations (CAWR).

INTRODUCTION

Control of Asbestos at Work Regulations

2 The Control of Asbestos at Work Regulations govern all work with asbestos. The Regulations apply in full throughout MOD (which includes the Armed Forces, Agencies, Trading Funds, HQs etc.), regardless of where the asbestos is used, fitted or contained. The Regulations therefore cover, amongst other things, any asbestos found in defence equipment and systems, buildings, ships and submarines, aircraft and munitions. This leaflet is concerned specifically with the duty to manage asbestos in non-domestic premises that was introduced as Regulation 4 in the Control of Asbestos at Work Regulations 2002.

3 While the other duties in CAWR 2002 came into force in 2002, Regulation 4 comes into force on 21 May 2004 and Regulation 20 (on the standards for analysis) on 21 November 2004. However, its implementation will involve a considerable amount of planning before that date to ensure that compliance at the coming into force.

Approved Codes of Practice and Guidance

4 These Regulations are subject to a number of Approved Codes of Practice (ACOP) issued by the Health and Safety Commission, according to the form and location of the asbestos and the type of work to be undertaken. The approved code on the management of asbestos in non-domestic premises is as follows:

> The Management of asbestos in non-domestic premises: Regulation 4 of the Control of Asbestos at Work Regulations 2002 – Approved Code of Practice and Guidance. L127. Health and Safety Commission. HSE Books. ISBN 0717623823.
>
> NOTE
>
> Additional guidance is also given in:
>
> A Comprehensive Guide to Managing Asbestos in Premises. HSG227, HSE Books. ISBN 0717623815

Amphibole asbestos

5 Amphibole asbestos means any of the following minerals: crocidolite (*blue asbestos*), amosite (*brown asbestos*), fibrous actinolite, fibrous anthophyllite, fibrous tremolite and any mixture containing any of those minerals.

Asbestos

6 Asbestos means chrysotile (*white asbestos*), and amphibole asbestos and any mixture containing any of those minerals.

Duty holder

7 Every person who has, because of a contract or tenancy, an obligation towards the maintenance or repair of non-domestic premises or the means of access and egress; or where there is no such contract or tenancy, every person who has, to any extent, control of that part of those non-domestic premises or any means of access and egress. Where there is more than one duty holder, the relative contribution to be made by each in complying with the requirements of the regulation is determined by the nature and extent of the obligation to maintain and repair that each has. Following the introduction of regional prime contracting, the integrated project team leader may become one of the duty holders.

LINE MANAGERS DUTIES

Principal requirements of Regulation 4 of CAWR

8 The CAW Regulations as a whole impose requirements for the protection of employees who might be exposed to asbestos at work and of other persons who might be affected by such work; and impose certain duties on employees concerning their own protection from such exposure. In 2002, however, CAWR was extended to include amongst other things a new and specific duty to manage asbestos in non-domestic premises, to come into force from 21 May 2004. From that date, people with repair and maintenance responsibilities for non-domestic premises will need to ensure that asbestos-containing materials (ACMs) within those premises are properly managed, and that information about the location and condition of the materials is passed on to those likely to disturb them. The new duty is laid down in Regulation 4 of the CAWR.

9 This leaflet describes the principal requirements of the new duty to manage asbestos in non-domestic premises. But duty holders will need to refer to the detailed instructions on the management of asbestos in non-domestic premises given in the Approved Code of Practice (L127) and in the Comprehensive Guide (HSG227) listed at Paragraph 4. They will also need to refer to relevant guidance and instructions given by Defence Estates and will need to consult their property managers, or the DE integrated project team leader after the introduction of regional prime contracting, when seeking to comply with this Regulation.

10 There are a number of other changes introduced in the CAWR 2002, including changes affecting exposure risk assessment (Regulation 6), and the introduction of a duty to prepare procedures, provide information and establish warning systems to deal with an emergency in the workplace related to the use of asbestos in a work process or the removal or repair of asbestos-containing materials (Regulation 14). These are described in Leaflet 5, Annex A, which should be read in conjunction with this leaflet.

Managing the risk

11 To manage the risk from asbestos in non-domestic premises, the duty holder must assess whether or not there is or may be any asbestos anywhere in the premises. The Regulation states that in making the assessment, "*such steps as are reasonable in the circumstances shall be taken".* Everything that can reasonably be done must be done to decide where there is (or may be) asbestos in the premises and, if there is some (or may be some), to find out where it is or is likely to be. The condition of any asbestos that is, or has been assumed to be, present must also be considered.

12 Account must be taken of documentary evidence, such as building plans or other relevant information, and of the age of the premises, and an inspection should be made of those parts of the premises which are reasonably accessible. Others who may be able to provide more information include architects, building surveyors, building contractors, safety representative and members of staff who are familiar with the premises.

13 Material that looks as though it may contain asbestos must be treated as if it does unless there is strong evidence that it does not: which may include analysis, or information from the manufacture or collected with the other records and documents.

Records and Drawings

14 Records or drawings will need be updated, or generated if they do not already exist, to include details of where the asbestos containing items (ACMs) are, their extent, condition, form (tiles, boards, insulation, etc), and what they look like (such as whether they are painted). The information gathered will help when assessing the risks to health arising from the material.

15 The records and drawings will also need to identify those areas that have not been accessed and inspected and it must be assumed that they contain asbestos unless there is strong evidence that they do not.

16 If an inspection provides strong evidence to suggest that there is no asbestos in the premise then nothing else needs to be done about the duties in Regulation 4, except to note the work already done, in case an inspector needs to see it. However, the assessment will need to be reviewed if any new information comes to light.

17 Where there is no strong evidence that the premises are free of asbestos, the record must be kept on the premises for the life of the premises and must be kept up to date so far as is reasonably practicable. It must be reviewed every time it is known something has changed that affects the risks from the material, for example, if some building work is done, or if some asbestos is removed. Leaflet 34, on the management of contractors and other visiting workers (including MOD agencies) within the MOD should also be consulted. The record or drawing can be a paper copy or can be a copy accessible from a computer database.

18 The former PSA Asbestos Register where it exists, should list, building by building, the location of sprayed asbestos insulation, asbestos lagging and other asbestos based materials known to be present. A copy of the Asbestos Register or its MOD equivalent (see next paragraph) should be available for reference in MOD establishments and units and in MOD occupied buildings. For various reasons the Asbestos Register may not be complete.

Risk Assessment and Management Plan

19 When the documentary research and the inspection of premises have been completed, there should be a drawing of the site, or some other record, with the locations and descriptions of any possible ACMs noted on it. This information should contribute towards an assessment of the risk from that asbestos that must now be made. Then, on the basis of the risk assessment, a written management plan identifying those parts of the premises concerned must be prepared, and the measures which are to be taken for managing the risk must be specified in that written plan.

20 The plan should clearly identify those parts of the premises concerned, i.e., where ACMs are, or are liable to be present, and the measures that must be taken to ensure the risks are properly managed. Managing the risk properly means making sure that as far as reasonably practicable no-one can come to any harm from asbestos on the premises and includes ensuring that any ACM is properly maintained or where necessary safely removed. People working in the building, including trades union representatives should be consulted and informed as part of the risk management process.

21 The evaluation of the risk due to asbestos release requires:

Identification of the asbestos material;

Inspection of the material to assess dust release; and

Evaluation of the significance of any dust release, including measurement where appropriate.

22 In general, if asbestos materials are sound and undamaged, and there is no evidence of dust release, they may be left in place. Clearly label any materials containing asbestos with the asbestos warning sign, note its presence in the asbestos register and mark its location on the applicable Building Plan. A sealing coat can be applied as an added precaution.

23 If there is evidence of dust release, either from inspection or from dust measurement, it will be necessary to take further action to seal or remove the material. The main factors which need to be taken into account in deciding on a course of action are:

The type and condition of the material

The frequency of disturbance or damage to the material

The amount of dust to be released

The use of the building

The difficulty and cost of sealing or removal

The cost of replacement, if required.

24 A control strategy, including both remedial and preventative measures will need to be developed for each case, based on an individual assessment of the above factors.

Making Information Available

25 Information about the location and condition of any asbestos or ACM must be provided to every person liable to disturb it, and must be made available to the emergency services.

26 Durable warning notices are to be clearly displayed wherever substances containing asbestos are located and at the access to spaces normally unoccupied where asbestos is present. Warning notices of asbestos encapsulation shall also be clearly displayed. The notices are to contain the standard symbol shown below.

Figure 1 Asbestos Warning Label

27 All notices detailing the location of the asbestos will contain details of the action to be taken should the substances containing asbestos be found to be damaged or to have deteriorated, including details of the person to be contacted. Immediately any substance containing asbestos is found to have been damaged or to have deteriorated staff should not continue to work in the area concerned until corrective measures have been taken and it has been confirmed that the airborne asbestos levels are below the Clearance Level Reference Indicator.

Review and Revision of Information Available

28 The asbestos management plan must be reviewed and revised at regular intervals, and straightaway if there is reason to suspect that it is no longer valid, or there has been a significant change in the premises.

GENERAL ADVICE

29 It is not practical to give detailed instructions on how to deal with all the many different uses of asbestos materials that may be found in buildings. However, the following are key issues:

Does the material contain asbestos and if so, how much and what type?

Is the asbestos in a good or poor condition?

Is there a possibility of asbestos dust release, in which case action must be taken to repair, seal, enclose or remove the material, as necessary. Advice can be sought from Unit or Establishment Health and Safety Advisers, while airborne asbestos concentrations can be measured by competent persons.

Sealing or enclosing the material can help to prevent dust release, but any such work must be recorded, along with the presence of asbestos in building plans and the asbestos register.

The material may be removed following approved safety procedures, but removal, and sealing in some cases, particularly of asbestos insulation and lagging, must normally only be done by a contractor licensed by HSE. In any case, no decision on removal should be made until the full assessment is completed.

Asbestos waste is a classified hazardous waste, is subject to the Special Waste Regulations and must be disposed of using the approved local procedure.

Identifying asbestos in premises

30 Asbestos has been used in many building materials and these materials have been used for a variety of purposes. The first step in dealing with a suspected asbestos problem is therefore to check whether asbestos is present and if so, what type and approximately how much.

31 Unless the material carries an asbestos label or some other warning notice, a simple visual examination is not enough to determine whether it contains asbestos. The only way to determine whether a material is asbestos is by optical microscopy or XRD, SEM or TEM. Additionally, a check of the original building plans may show that asbestos-based materials were specified; the type and quantity of asbestos can then be checked with the original supplier if known. If the information is not available, it may be necessary to take samples of the material for analysis, but sampling itself can give rise to risks of exposure, and other means of identification should be tried first. In view of this, sampling should only be undertaken by accredited personnel. In the interim, it should be presumed that the material contains asbestos and act accordingly.

Inspecting asbestos in premises

32 If the presence of asbestos is confirmed, the installation will at some point have to be examined to determine whether asbestos fibres may be released.

33 There are a number of means by which dust can be released from asbestos materials:

Any work which involves the use of power tools, breaking of the material or abrasion (e.g. maintenance, replacement or repair);

Impact damage or abrasion caused by vehicles, people or movement of objects;

Damage or disturbance by birds, rodents, vandalism or weathering. If friable material falls onto floors it may rapidly become broken up and dispersed;

Vibration or mechanical movement or a surface, especially of the asbestos material is on the underside (e.g. internal insulation);

Strong air currents can scour fibres from soft material such as lagging and sprayed coatings. Air movement caused by draughts or by forced air can release fibres and particular care must be taken to avoid blowing air over damaged surfaces;

34 If asbestos-containing material is loose and friable, damaged, or old and deteriorating, then it is reasonable to suspect that fibres are being released; a further indicator is if there is asbestos dust or debris in the immediate surrounding area. Undamaged bonded materials such as insulating board and asbestos-cement, especially if coated, are much less likely to release dust in normal use, but transient conditions such as those described above should also be investigated.

Sealing asbestos in premises

35 Rigid asbestos materials such as insulating board or asbestos-cement (AC) may be sealed by painting.

36 When a higher degree of protection from damage is required a number of other sealing systems are available, including:

Flexible or semi-flexible polymeric or bitumen coating

Inorganic cement type coating

Preformed sheets or panels.

37 The choice of sealing system depends on the nature of the asbestos material, the degree of damage protection required and any surface flammability requirements. Sealing asbestos insulation and lagging must normally be done only by a contractor licensed by the HSE.

38 Where asbestos insulation is being used for fire protection, it is important that the fire hazard is not increased by the use of combustible sealants. The sealed materials must meet the standard for spread of flame specified in the Building Regulations (as defined in BS 476). Normal paints may not achieve this standard and specially formulated sealants are available. Sealed asbestos should be checked regularly to ensure that the sealing is intact.

Removal

39 When it is not possible to seal an asbestos material effectively or it is subject to frequent disturbance and likely to release dust, it may be decided to remove it completely. However, it should be recognised that removal will often lead to higher short-term dust levels than sealing the material in place, and approved procedures must be taken. A Project Manager, e.g. the Property Manager, or the DE IPTL following the introduction of regional prime contracting, is responsible for ensuring that the work is undertaken safely. The work will normally be undertaken by a specialist-licensed contractor, following a method statement. The safety precautions may include:

An enclosure under negative pressure, with an airlock, under normal circumstances; the pressure should be monitored at regular intervals;

Wet/damp methods, which in minor cases may involve a proprietary sealant water-based spray, e.g. Astrip, being used.

40 The personnel undertaking the removal work should employ clean-as-they-go methodology, which should include the use of HEPA-filtered vacuum cleaners to remove dust from surfaces. In particular, it should be ensured that asbestos removal is effective, e.g. the use of wire wool on pipework. However, any such abrasive techniques must employ suitable dust suppression, e.g. saturation or use in conjunction with a type H vacuum cleaner.

Disposal

41 Asbestos material is special waste and therefore must only be disposed of in accordance with approved procedures. The procedures should include, but not necessarily be limited to:

Segregation of the waste whilst it is stored in the workplace and placing the item/s in a suitable container, e.g. double bagged, with the outer container being a red "asbestos waste" plastic bag.

Use of a licensed waste carrier and disposal facility. Documentary evidence of correct disposal will be required, in order that MOD can meet its Waste Management Duty of Care.

Typical locations of asbestos materials in buildings

42 Thousands of tonnes of asbestos were used in buildings in the past and much of it is still in place. For example:

Sprayed asbestos and asbestos loose packing - generally used as fire breaks in ceiling voids;

Moulded or preformed sprayed coatings and lagging - generally used in thermal insulation of pipes and boilers

Sprayed asbestos mixed with hydrated asbestos cement - generally used as fire protection in ducts, firebreaks, panels, partitions, soffit boards and ceiling panels;

Insulating boards used for fire protection, thermal insulation, partitioning and ducts:

Some ceiling tiles;

Millboard, paper and paper products used for insulation of electrical equipment;

Asbestos cement products, which can be compressed into flat or corrugated sheets. Corrugated sheets are largely used as roofing and wall cladding. Other asbestos cement products include gutters, rainwater pipes and water tanks;

NOTE

The types of asbestos used were not limited to chrysotile (white) and, for example, crocidolite (blue) can still be found.

Certain textured coatings.

Thermoplastic floor tiles.