



PR.61 13/14

**Policy and Resources
Committee**

Date: 17th April 2014

Subject: Asbestos Policy

Report by:

Interim Director of Resources

Contact Officer:

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Purpose / Summary:

To present the Asbestos Policy

RECOMMENDATION(S): 1) That Members of the Policy and Resources Committee approve the Asbestos Policy

IMPLICATIONS

Legal:

Compliance with The Health and Safety at Work etc. Act 1974, associated legislation and the Control of Asbestos Regulations 2012

Financial: FIN/97/14

None.

Staffing:

None.

Equality and Diversity including Human Rights:

Not applicable.

Risk Assessment:

Ensures that the authority is compliant with health and safety legislation and that staff, visitors and contractor's health, safety and welfare can be assured.

Climate Related Risks and Opportunities:

None.

Title and Location of any Background Papers used in the preparation of this report:**Call in and Urgency:**

Is the decision one which Rule 14 of the Scrutiny Procedure Rules apply?

Yes

No

Key Decision:

Yes

No

1.0 Background

To ensure compliance with the Health and Safety at Work etc., Act 1974, associated legislation and Control of Asbestos Regulations 2012 and that the health, safety and welfare of staff, visitors and contractors can be assured.

Consultation has been carried out with the Safety Champions Group, Property Services and Operational Services.

Recommendation

That Members of the Policy and Resources approve the Asbestos Policy

Asbestos Policy

1.0 Introduction

Asbestos is a naturally occurring silicate mineral found throughout the world. It was commonly used in building materials from the 1950's to the mid 1980's. The importation, sale and use in installations of asbestos was banned in the UK in 1999.

All asbestos has the potential to be hazardous to health if the asbestos fibres are released into the atmosphere and inhaled. The term asbestos is given to a group of minerals of which there are three main types:

- Crocidolite (blue)
- Amosite (brown)
- Chrysotile (white)

Asbestos is the single greatest cause of work-related deaths in the UK. There are around 4500 deaths a year. When the fibres are inhaled they can cause serious diseases.

There are four main diseases caused by asbestos:

- mesothelioma (which is always fatal),
- lung cancer (almost always fatal),
- asbestosis (not always fatal, but it can be very debilitating) and
- diffuse pleural thickening (not fatal).

The presence of an asbestos containing material (ACM) in itself does not constitute a danger. However, there is a potential risk to health if such material is disturbed and damaged

2.0 Policy Statement

To ensure that any ACMs that may be present in any West Lindsey District Council (WLDC) buildings are maintained in a condition so as to prevent the possibility of any harm to health occurring through the uncontrolled release of fibres.

West Lindsey District Council is committed to protecting the health, safety and welfare of employees and anyone else who may be affected by their activities. We acknowledge that we should act to prevent or reduce risks that are reasonably foreseeable.

The Policy is to ensure compliance with The Health and Safety at Work etc., Act 1974 (HASAWA), The Management of Health and Safety at Work Regulations (MHSW) and Control of Asbestos Regulations (CAR), associated legislation Approved Codes of Practice and Health and Safety Executive (HSE) guidance notes. The Policy will apply to all buildings owned by the Council, all employees and those engaged by the Council.

The Policy will ensure

- Reduction of risk from hazards associated with ACMs
- Council properties are surveyed to identify presence of ACMs
- A register is prepared and maintained and management plan of all premises where asbestos is or may be present.
- Records are reviewed and kept up to date
- Records are accessible to all employees and contractors
- Competent surveyors carry out survey work as appropriate
- Use of competent licensed contractors to comply with Control of Asbestos Regulations (CAR)
- The Policy is reviewed regularly or if there are legislative or significant changes
- Information and training for employees as necessary for their specific needs
- Contractors are provided with information on the location of ACMs
- ACMs that are present in Council buildings are maintained in a condition that reduces the harm to health due to an uncontrolled release of fibres.
- Suitable and sufficient risk assessments are carried out to protect employees from any potential risk

This policy will be kept under review and may be revised in line with legislation

3.0 Equal Opportunities/ Generic Equalities

West Lindsey is committed to equal opportunities. We will promote the equality of employees and will ensure no one receives less favourable treatment than another on the grounds of race, gender, colour, nationality, ethnic or national origins, sex or sexual orientation, religion, marital status, age or disability or any grounds not relevant to the performance of the job or the service delivery.

4.0 Scope

This Policy is to provide advice and support to all employees who may come into contact with ACMs.

The Policy applies to all situations where Council employees come into contact with asbestos during the course of their work, including buildings and land owned, leased and managed by the Council and also street cleansing activities. The Policy should be adhered to by all employees, contractors etc.

This policy should be read in conjunction with other relevant policies, procedures, guidance and risk assessments.

The Policy will ensure the effective and safe management of ACMs within all workplaces, Council premises and the collection of fly tipped asbestos classed as non-licensed asbestos in accordance with current health and safety legislation and will work towards preventing exposure to ACMs (so far as is reasonably practicable).

5.0 Legal Obligation

- Under the Health and Safety at Work etc., Act 1974, (HASAWA) employers have duties to ensure, as far as is reasonably practicable, the health, safety and welfare of employees and the health and safety of others that maybe affected by the employers undertaking.
- The Management of Health and Safety at Work Regulations (MHSW) requires employers and self- employed people to make an assessment of the risk to the health and safety of themselves, employees and people not in their employment arising out of or in connection with the conduct of their business and to make appropriate arrangements for protecting these people's health and safety.
- The Control of Asbestos Regulations (CAR) requires that the main aim on the employer is to prevent exposure of asbestos to employees and others who may be affected by the work.
- The Construction (Design and Management) Regulations (CDM) requires the client to pass on information about the state or condition of any premises (including the presence of hazardous materials such as asbestos) before any work begins and to ensure that the health and safety file and asbestos register for the premises is available for inspection by any person who needs the information. It is not acceptable to make general reference to hazards that may exist.
- The Workplace (Health, Safety and Welfare) Regulations sets out duties to maintain workplace buildings/premises to protect occupants and workers.
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) covers the accidental release or escape of any substance in a quantity sufficient to cause death, major injury or any other damage to health of any person and also includes the reporting of diseases associated with the release of asbestos.
- The Carriage of Dangerous Goods and Use of Transportable Equipment Regulations (CDG) implements the requirements of the European agreement concerning the carriage of dangerous goods (ADR). The regulations deal with dangerous goods carriage. Asbestos is classified as hazardous waste.

6.0 Responsibilities

6.1 Chief Executive

Will ensure that there is provision for adequate resources and support to enable:

- the Services to comply with their duties and specific responsibilities
- the implementation of the Policy
- the Policy to be fully understood by all

6.2 Directors, Heads of Service and Managers

Will ensure they:

- fully understand the Policy
- identify employees who may come into contact ACMs and that they have a suitable level of information, training and supervision including emergency procedures and risk assessments and that this training, information and supervision is updated as often as is reasonably practicable
- make employees and others aware of the Policy
- monitor, enforce and promote the Policy.
- report to Property Services any materials suspected of containing ACMs where the material has become disturbed and/or damaged or where staff, contractors and/or subcontractors are likely to undertake work, which may affect that material (with the exception of fly-tipping instances.)
- carry out suitable and sufficient risk assessments
- records are kept of asbestos collections and disposal methods. The consignment notes for the hazardous waste must be kept for 3 years.

6.3 Health and Safety Co-ordinator

Will:

- review the Policy annually or if there are significant changes in legislation
- consult with the Safety Champion Group
- horizon scan for future changes to legislation, assess and advise on the impact to the organisation.

6.4 Safety Champions Group

Will:

- be consulted on and assist in developing the Policy and risk assessments
- support Managers and colleagues in the implementation and adherence of the Policy
- assist managers in investigation of work related incidents

6.5 Employees

Will ensure they:

- recognise their responsibilities under the HASAWA
- avoid any work that may disturb or damage ACMs
- report any materials suspected of containing ACMs where the material has become disturbed and/or damaged or where staff, contractors and/or subcontractors are likely to undertake work, which may affect that material to their line manager.
- comply with the Policy

(See Appendix F)

6.6 Property Services

A Corporate Asbestos Register will be maintained by West Lindsey District Council and held by Property Services. It will be updated by a competent person on a regular basis or if there are any changes. Copies of asbestos locations will also be kept in relevant buildings.

The asbestos register will record:-

- the address and use of the building or premises to which the record relates;
- details of the location and type of asbestos;
- the condition of the asbestos at the time
- the dates and results of any sampling or monitoring; and,
- any remedial treatment or removal action as may be taken or proposed.

If asbestos is found to be in good condition, a decision to leave it in situ will be taken and the asbestos register will be updated with the current information. This will be monitored regularly.

6.7 Operational Services

Employees within the Operational Services Team will:

- only collect fly tipped non-licensed asbestos waste
- be trained in accordance with regulation 10 of Control of Asbestos Regulations (CAR)
- Work in accordance with the Health and Safety Executive (HSE) Asbestos Essentials (See Appendix A)

7.0 Procuring Contractors including Consultants and Analysts

Property Services will ensure that:

- only Health and Safety Executive (HSE) licensed asbestos contractors and United Kingdom Accreditation Services (UKAS) accredited HSE licensed consultants are used by West Lindsey District Council.

- all relevant staff, contractors and sub-contractors are informed of the presence of any known asbestos, which may affect the works.
- contractors are to be instructed to consult the Asbestos Register in order to familiarise themselves with the location of any known asbestos in the premises
- the Asbestos Registers are updated as soon as new or revised information is available.

The information held in the register will be used to inform Council employees, contractors and others of the presence of ACMs. If a product has been identified as being an ACM and it is in poor condition, a Property Services Officer or where appropriate, an asbestos specialist should carry out a visit to the premises and determine the control measures to be implemented. If a product is in good condition, a decision to leave it in situ is taken. In all situations the asbestos register is updated with the current information.

Where information is made specifically available for contractors, this information sharing exercise will be recorded and records kept on file, in order to demonstrate, and should the need arise, prove that the contractor was in possession of such information.

(See Appendix B)

8.0 Asbestos Management

Working to the Health and Safety Executive (HSE) guidance West Lindsey District Council has a duty to manage the risk from asbestos and will:

- take reasonable steps to find out if there are materials containing asbestos in non-domestic premises, and if so, its amount, where it is and what condition it is in;
- presume materials contain asbestos unless there is strong evidence that they do not;
- make, and keep up-to-date, a record of the location and condition of the ACMs or materials which are presumed to contain asbestos;
- assess the risk of anyone being exposed to fibres from the materials identified;
- prepare a plan that sets out in detail how the risks from these materials will be managed;
- take the necessary steps to put the plan into action;
- review and monitor the plan regularly so the plan remains relevant and up-to-date
- record the information
- consult with all who may be affected

8.1 Types of Survey

There are two different types of survey

(i) Management Survey

This is a standard survey which is to establish the location so far as is reasonably practicable the presence and extent of any suspect ACMs to ensure that:

- nobody is harmed by the continuing presence of ACM in the premises or equipment;
- that the ACM remain in good condition; and
- that nobody disturbs it accidentally

(ii) Refurbishment/ Demolition Survey

This survey is required before any refurbishment or demolition work is carried out. Any construction works involving an upgrade, refurbishment or demolition work a refurbishment or demolition survey will be undertaken as necessary to locate and describe, as far as is reasonably practicable, all ACMs in the area where the work will take place. This will be undertaken in accordance with the requirements of the Health and Safety Executive guidance HSG264 The Survey Guide.

8.2 Labelling

Labelling of ACMs will be carried out if it is located where it is likely to be disturbed or damaged. (See Appendix C) Not all ACMs will be labelled, however all known ACM will be recorded in the asbestos register.

The labelling of the asbestos containing material will

- Help prevent accidental damage, and
- Not cause undue concern

Non-licensed fly tipped asbestos waste will be labelled in accordance with Health and Safety Executive EM 9 Asbestos Essentials Non-licensed tasks.

9.0 Asbestos Register

Property Services will maintain the register identifying the types, location and condition of ACMs in Council commercial properties including updating records following asbestos removal, surveys, sampling results (if proven to contain asbestos) and any work done relating to (ACM). The information held will be used to advise employees, contractors and others of the presence of ACMs.

The asbestos register will be updated where there are any changes.

The contractor will sign before any work is carried out to state they have read and understood asbestos register and information.

Regularly carry out visual checks of all ACMs, to ensure that asbestos containing materials remain in a good state of repair, and record works activities undertaken to the premises by staff and third parties and that it is undertaken in a safe manner fully considering ACMs. This will be carried out annually

10.0 Record Keeping

The Council is committed to ensuring that all asbestos and asbestos products present within all buildings managed by the Council are properly controlled so that they will not present a risk to staff, residents, contractors or any other persons.

Everyone who needs to know about the presence of asbestos will be alerted. No one will be allowed to start work that could disturb asbestos unless the correct procedures are to be employed.

All staff and contractors undertaking work on property have the responsibility for the health and safety of themselves and others who may be affected by their activities.

Records are kept of asbestos collections and disposal methods by Operational Services. The consignment notes for the hazardous waste must be kept for 3 years.

10.1 Emergency Services

Emergency Services personnel attending site must be given access to the asbestos survey, register and plan on arrival.

10.2 Information to Contractors

Records given to the contractors should be signed and dated

11.0 Emergency Procedures

In the event of ACMs being suspected or known ACMs being disturbed:

Stop work immediately.

Prevent spread of asbestos (close windows/doors)

Vacate and secure the area in order to minimise the risk of spread of materials

Restrict access into area

Notify manager/supervisor/ Notify Property Services

Decide if work is required to make area safe

Appoint appropriate contractor to carry out work

Do not attempt to clear up suspect material or collect samples.

Do not re-enter the area to collect tools or documents etc.

The Health and Safety Co-ordinator and Property Services with the assistance of the Safety Champions Group will investigate incidents where there has been an accidental release of asbestos fibres. They will also determine if the release is reportable as a dangerous occurrence in accordance with Reporting of Injuries, Diseases and Dangerous Occurrences Regulations.

See Appendix D

12.0 Training

12.1 Instruction and training

Training should be in accordance with Regulation 10 of the Control of Asbestos Regulations. The appropriate level of asbestos training allows each individual to acquire knowledge/skills to comply with asbestos legislation and ensure management of asbestos within the council.

If it is foreseeable that employees work could expose them to asbestos, information, instruction and training appropriate to the work to be carried out will be given.

12.2 Refresher training

Refresher training should not be a repeat of the initial training. It should be given annually and be appropriate to the work. Therefore, depending on the individual training need it could be a structured update training session or a short toolbox talk refreshing experienced workers of the main principles/ expectations.

The training should be tailored to meet the training needs or more frequently if:

- work methods change
- the type of equipment used to control exposure changes or
- the type of work being carried out changes significantly.

12.3 Category of training required for Services

(See Appendix E)

The training should be provided by United Kingdom Accredited Training Association accredited in accordance with Regulation 10 of Control of Asbestos Regulations (CAR)

12.4 Records of training

Records should be kept of the training individuals have received.

13.0 Disposal of Asbestos

Asbestos removed from its original location should be treated as hazardous waste. If there is any doubt it should always be treated as "hazardous". Personal Protective Equipment (PPE), cleaning cloths and wipes should also be treated as hazardous waste.

Operational Service Team who are involved in the collection of non-notifiable asbestos waste as part of fly tipping will develop procedures which protect employees and any others who may be affected.

Review

A review of the Policy will be carried out:

- Annually
- When there are changes in the Control of Asbestos Regulations
- Following a significant incident involving an uncontrolled release of airborne asbestos fibres
- If the Policy is no longer considered adequate

Review Date 2015

Appendix A

Further guidance

Health and Safety at Work etc. Act 1974
Management of Health and Safety at Work Regulations
Construction Design and Management Regulations
The Control of Asbestos Regulations 2012
The Carriage of Dangerous Goods and Use of Transportable Equipment Regulations (CDG)
Reporting of Injuries, Diseases and Dangerous Occurrences Regulations

Approved Codes of Practice

Approved Code of Practice – The management of asbestos in non-domestic premises (L127)
Approved Code of Practice – Work with materials containing asbestos (L143)
Approved Code of Practice – Managing health and safety in construction (L144)

Guidance Notes

Guidance Document – Asbestos: The licensed contractor's guide (HSG 247)
Guidance Document – Asbestos: The analysts' guide for sampling, analysis and clearance procedures (HSG 248)
Asbestos: The survey guide (HSG264)
Asbestos Essentials: Task Manual (HSG210)
AO Advice on Non-licensed work with asbestos
A38 Making safe and collecting fly tipped asbestos waste
EM1 What to do if you uncover or damage materials that may contain asbestos
EM2 Training
EM6 Personal Protective Equipment
EM9 Disposal of asbestos waste
EM8 Personal decontamination

Appendix B

Contractors

General Contractors and Sub Contractors

Will be required to ensure that:

- they are fully familiar with current legislation, Approved Codes of Practice (ACOP) and guidance relating to the management of ACMs.
- they have a clear understanding of West Lindsey District Council's Asbestos Policy.
- all staff employed by them have received an appropriate level of asbestos awareness training
- they consult with West Lindsey District Council
- where work may be affected by, or involves, ACMs that a Health and Safety Executive (HSE) licensed contractor is engaged to carry out the work.
- any relevant risk assessments, method statements and statutory notices are in place before work commences.
- all works are progressed diligently but, if any suspect materials are encountered, to immediately suspend operations, isolate the area, and to contact the Property Team (See Section 11 and Appendix D)

Asbestos Removal Contractors & Sub Contractors

We will ensure that removal Contractors & Sub Contractors:

- have a current licence from the HSE to work with the type of asbestos indicated.
- have current and adequate insurance cover for the asbestos works to be undertaken.
- have working practices and comply with current legislation and all associated Approved Codes of Practice and Guidance Notes.
- Provide a written Method Statement and Risk Assessments for the work to be carried out
- Discuss emergency procedures
- Provide statutory notice/s to the Health and Safety Executive as may be required prior to the commencement of any asbestos related works
- Provide copies of all such notices to be submitted to the Property Services before work commences
- Arranging transport and disposal of asbestos waste materials in accordance with legislative requirements and providing copies of all Consignment Notes
- Carrying out regular inspections of the work environment
- Provide evidence they have received adequate asbestos training
- Report to the Health and Safety Executive (HSE) any asbestos finds

Asbestos Consultants/Surveyors

The Control of Asbestos Regulations (CAR) requires asbestos to be identified and assessed. This is an explicit duty on the employer in occupation in addition to the property owner to manage the risks from asbestos in their premises.

Prior to the commencement of intrusive works Property Services will ensure that:

- A UKAS ISO/IEC 17020 accredited and certified consultant/surveyor is engaged to conduct asbestos management surveys and undertake refurbishment and demolition surveys under HSG 264 The Survey Guide.
- Every asbestos surveyors holds a BOHS P402 certificate and are fully trained with at least six months' full-time, relevant, practical field experience on asbestos surveys under the supervision of experienced and suitably qualified personnel and audited.
- Any laboratories that are used are UKAS accredited to ISO/IEC 17025 standard for testing and analysis.

Construction Design and Management (CDM) Coordinator

Where a project is notifiable we will:

- formally appoint a competent CDM coordinator.
- appoint a CDM coordinator as soon as reasonable practicable after commencement of the initial design
- carry out checks and ensure that the CDM coordinator:
 - has sufficient knowledge of the tasks to be undertaken and the risks involved.
 - has the experience and ability to carry out their duties in relation to the project, to recognise their limitations and take appropriate action to prevent harm to those carrying out construction work, or those affected by the work
 - is adequately resourced to carry out the duties in the Construction Design and Management Regulations.(CDM)

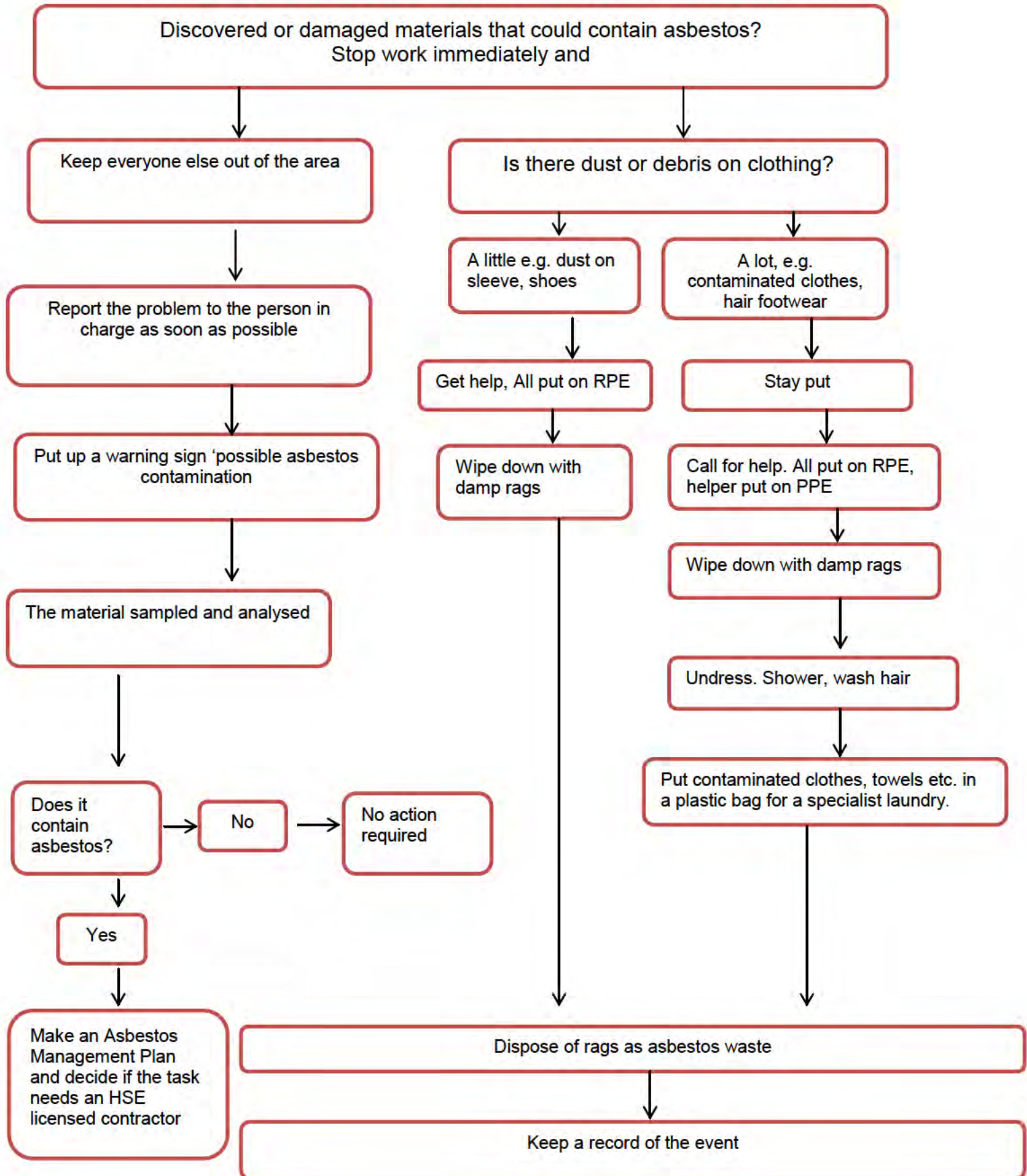
Appendix C

Labelling in accordance with Schedule 2 of Control of Asbestos Regulations



Asbestos label

Appendix D Unplanned disturbance of Asbestos containing material/ Emergencies



Appendix E

Training

Training provided in accordance with Regulation 10 of the Control of Asbestos Regulations. The training should focus on:

- how to recognise asbestos
- the type of products likely to contain asbestos
- what activities could result in exposure to asbestos
- the hazards posed by the substance, including its interaction with smoking
- the precautions you should take to prevent exposure
- how to use protective measures
- known location of asbestos in premises
- action to be taken if asbestos is discovered
- the significant findings of the risk assessment.

HSE advisory leaflets will be available to all employees www.hse.gov.uk See Appendix A

Categories of Training

Category A Asbestos Awareness	Category B Non Licensed Asbestos Removal	Category C Licensed Asbestos Removal
Covers the awareness of the dangers associated with unknowingly coming into contact with asbestos It does not train you to work with ACM's	Those who knowingly work with asbestos containing materials that are classed as non-licensable as detailed in HSG 210	Those who knowingly work with ACMs that are classed as licensable and include asbestos insulation, coatings and insulation board. A licence issued by the Health and Safety Executive is required
3- 4 hours course	1 Day	3 days

Service Training Requirements

Service	Training
Property Team	Asbestos awareness training Cat A
Operations Team	Asbestos awareness training Cat B Non Notifiable Licensed Work Face fit testing
Public Protection	Asbestos awareness training Cat A
Housing	Asbestos awareness training Cat A
Building Control	Asbestos awareness training Cat A
Localism	Asbestos awareness training Cat A

Appendix F

Here are some basic principles to remember:

- asbestos is only dangerous when disturbed. If it is safely managed and contained, it doesn't present a health hazard;
- don't remove asbestos unnecessarily - removing it can be more dangerous than leaving it in place and managing it;
- not all asbestos materials present the same risk. The measures that need to be taken for controlling the risks from materials such as pipe insulation are different from those needed in relation to asbestos cement;
- recognise your responsibilities under the HASAWA
- avoid any work that may disturb or damage asbestos containing materials (ACMs)
- report any materials suspected of ACMs where the material has become disturbed and/or damaged or where staff, contractors and/or subcontractors are likely to undertake work, which may affect that material to their line manager.
- comply with the Policy

Do:

- Stop and ask if you are suspicious something may be asbestos or if you think the work might need to be carried out by a licensed contractor
- Follow the plan of work and the risk assessment also refer to the HSE task guidance sheets
- Make sure you take account of other risks such as work at height, moving vehicles etc.
- Use your protective equipment
- Clean up as you go stop waste building up
- Make sure waste is double-bagged and is disposed of properly
- Wash before breaks and going home
- Make sure you have been properly trained before you start work

Don't:

- Use methods that create a lot of dust, like using power tools
- Take home overalls used for asbestos work
- Reuse disposable clothing or masks
- Smoke, eat or drink in the work area

If you have any doubts contact your manager

Appendix G

Action Plan for Asbestos Policy

Theme	Action	Responsible People Services and Groups	Dates	Completed
Communication	Communicate the policy to all employees through Committees meetings, Minerva	HSC	Approval from P&R on to Minerva KMSKMW	
Policy review	The Policy will be reviewed annually or if there are significant changes. Major changes in the Policy will go through the Committee Process, housekeeping changes not necessary	HSC and SCG, Operational Services and Property Services	April 2015	
Training	Identify employees requiring training	Managers		
	Employees will be trained in asbestos awareness and refresher training will be carried out annually	HSC to coordinate		
	Organise annual training	HSC	annual	
Asbestos register	Asbestos register will be reviewed on a regular basis or if there are significant changes	Property Services		
Records	Monitor consignment notes are being kept for 3 year period	Operational Services		
	Training records for employees	POD and Managers	Annual	
	Copies of asbestos registers for buildings are at sites	Property Services		
	Contractors will sign and date that they read and understood the register at the site	Site manager	As required	
	Asbestos register being maintained	Property Services	Annual	
PPE	Identify PPE requirements	Managers	Annual	
Competent	Identifying and procuring competent contractors for	All Services	As required	

Contractors	work. Procurement guidelines to be followed			
Risk assessments	Suitable and sufficient risk assessments will be carried out where employees may be exposed to ACMs	All Service Managers with assistance of SCG and HSC	Annually reviewed or if there are significant changes	
Reporting under RIDDOR	Report any dangerous occurrences as required in accordance with RIDDOR	HSC to HSE	As required	

SCG Safety Champion Group
 HSC Health and Safety Co-ordinator
 POD People and Organisational Development
 HSE Health and Safety Executive