



Warwick District Council
Food & Occupational Safety & Health

***MANAGEMENT OF ASBESTOS IN
NON-DOMESTIC PREMISES***

A GUIDE FOR DUTY HOLDERS

Introduction

The Control of Asbestos Regulations 2012 place a duty on all employers to minimise exposure to airborne asbestos fibres in all places of work.

The Health and Safety Executive (HSE) has identified that building maintenance staff may be exposed to major long term health risks by working on existing buildings containing asbestos. Staff generally may be exposed to airborne asbestos fibres released from damaged asbestos containing material (ACM). Further information on managing risk in relation to asbestos can be found in the free leaflet *A short guide to managing asbestos in premises (INDG223 REV3)*, available from HSE Publications; it is also available in electronic form on the HSE website at: <http://www.hse.gov.uk/pubns/asbindex.htm>

What Does the Law Require You to Do?

The Control of Asbestos Regulations seek to reduce the risks of asbestos exposure by placing a duty on all persons responsible for non-domestic premises to “manage” any asbestos in those premises.

The duty is placed upon those who have control over premises, or control the access to and egress from the premises. The duty is also placed upon any person who has the responsibility for maintaining or repairing the premises. This responsibility could arise through a contract or a tenancy agreement, e.g. a full repairing lease.

The duty to manage asbestos may apply to a number of persons dependent on the occupancy of the premises and any contractual obligations, plus the degree of control that the duty holder may have, for example:

- The employer or self-employed person will be responsible for most work situations.
- The landlord or his agent – especially with respect to common parts of a building may also have a duty.

The Duties : What Do I Need to Do to Comply?

Revised Regulations require Duty Holders to:

- **Investigate whether asbestos or ACMs are present (refer to building plans and surveyors' reports). Buildings built after 1999 may not contain asbestos, in which case you simply need to record this assessment and advise contractors accordingly.**
- **Check their condition**
- **Carry out a risk assessment**
- **Prepare a written plan specifying the measures to be taken to manage the risk**
- **Inform anyone who might disturb the ACM or who might work on the material of its presence**
- **Review and monitor the plan periodically**

It should be noted that the new duties do not specifically require that a survey be carried out, but it should be presumed that materials contain asbestos, unless there is strong evidence that they do not. Nor do they require any/all ACMs to be removed.

However, a survey may be necessary to identify some ACMs or to confirm the full extent of their presence. Similarly, whilst ACMs in extremely poor condition might need replacing, there may be alternative methods of controlling the risk, e.g. encapsulation.

Hazards of Asbestos

Several types of asbestos are likely to be present in buildings, including chrysotile (white); crocidolite (blue); and amosite (brown). All can cause a range of diseases including asbestosis, lung cancer and mesothelioma. It is free fibres floating in the air that are inhaled into the lungs that cause the damage, and it is therefore very important to avoid any activity that could disturb the asbestos and release asbestos dust. Asbestos is the single biggest cause of work-related disease, though the diseases will often not appear until many years after exposure.

Asbestos was widely used in the building industry in the 60s and 70s and as a result is still now present in many buildings as:

- Lagging material for pipework and structural steelwork
- Boarding for providing fire protection in walls and doors
- Cement sheets for roofing and cladding

Identifying Asbestos

Even though types of asbestos are known by their colour (blue, brown and white), they cannot be identified by colour alone. The first step is to identify the materials that may contain asbestos.

Asbestos Cement - is a grey, brittle material that contains 10-15% asbestos fibres, found in cladding and roofing materials (including guttering and downpipes), pipes and flues.

Asbestos Insulation Boarding - contains up to 40% asbestos. Can be pale grey and of varying thickness. No longer available in this country but was used extensively for creating walls, linings, ceiling tiles, and partitions, particularly for fire protection purposes.

Sprayed Asbestos - can consist of up to 85% asbestos mixed in with a variety of other materials. Material is often quite loose and can easily give rise to asbestos dust.

Other Materials – includes asbestos paper used for insulating wooden boards and electrical equipment.

In all cases, the asbestos containing material may be painted, encapsulated or covered to protect it. Identifying asbestos is not easy and there is a possibility that the material may be disturbed in maintenance or refurbishment work. The only way to positively identify a material as asbestos is by having it analysed by a reputable laboratory. Samples should only be taken by suitably trained people and analysed by a laboratory that is a member of the United Kingdom Accreditation Service (UKAS).

Condition of the Asbestos

The chance of asbestos fibres being released into the air will be increased if the ACM's:

- Could be knocked or bumped.
- May be worked on (e.g. where someone may drill holes in it for pipes or cables).
- Have a surface which is breaking up, damaged or cracked.
- Have detached from the structure or item it is protecting (e.g. a steel girder or pipe).

If the asbestos is in a poor condition, then it will need to be sealed, enclosed or removed.

Removal or Repair

Asbestos that is prone to damage or difficult to repair will need to be removed. Asbestos lagging and insulation can only be removed or sealed by a contractor who has been licensed by the Health and Safety Executive. An up to date list of licensed contractors is available on the HSE website at:

<http://www.hse.gov.uk/asbestos/licensing/index.htm>

Asbestos that is sealed, protected or is already in good condition, may be clearly marked with the asbestos warning sign – this is good practice, not a legal requirement. Keep a note of where asbestos is present in the building and mark it on any building plans that you use.

Asbestos that is left in place should be periodically inspected to check on its condition. Keep a register of where asbestos has been found, in what materials it is present and the type of asbestos (if known). Regularly check the asbestos on the register and make a note of the condition. It may be helpful if you also record any materials that have been tested and found not to contain asbestos, in case they are called into question.

Notifying Contractors and Workers

It is important that any employees and contractors who are involved with building maintenance are informed of where asbestos may be present. They must be made aware of the risk to health and be told that they must not disturb it.

In addition to informing them of the location of the known asbestos containing materials, they should know what sorts of materials contain asbestos and the need to inform a responsible person if they discover any materials that may contain asbestos.

Some types of work with asbestos must be carried out only by licensed persons and/or be notified to the Health and Safety Executive or Environmental Health authority. Details of licensed contractors can be obtained from the Health and Safety Executive, as noted previously.

Disposal of Asbestos

Asbestos waste, whether this is a small amount of waste or large scale waste removed by contractors, is subject to waste management controls set out in the *Special Waste Regulations 1996*. Asbestos waste should be double-bagged in heavy duty polythene bags and clearly labelled with the label prescribed for asbestos, before it is transported to a disposal site. The waste can only be disposed of at a site licensed to receive it. Your local authority will have information on licensed sites in the area.

Key Action Steps

- Identify materials that may contain asbestos on site.
- Carry out a presumptive survey or arrange for samples to be taken to identify if (and what type of) asbestos is present using a UKAS accredited laboratory.
- Decide whether the asbestos should be removed or sealed, taking into consideration its location and condition.
- Arrange for the asbestos to be removed or sealed using a licensed contractor.
- Mark any asbestos remaining on site with the asbestos label and keep a register.
- Inform employees and contractors of its location and ensure they do not disturb it.
- Regularly check the condition of the asbestos by inspecting it.



***For further information and advice on
health and safety contact:***

01926 456713

or

email: HCPHealthandSafety@warwickdc.gov.uk

***Look for us on the Council website at
www.warwickdc.gov.uk***

HSE Contacts:

0300 003 1747

**[Contact the Health and Safety
Executive \(hse.gov.uk\)](http://www.hse.gov.uk)**



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