

Managing Asbestos



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MANAGING ASBESTOS

Asbestos is known to exist in the construction of many buildings including those used by the Scout movement and it is now legally required that exposure to asbestos-containing material (ACM) is effectively managed. The following has been prepared to offer guidance to members of the Scout Association on the control of exposure to asbestos.

Background

At one time asbestos was referred to as the 'magic material'. This naturally occurring mineral material had been used in buildings for many years, due particularly to its insulating and fire resistant qualities. However, by the late 1970s it was becoming apparent that asbestos fibres *can* cause a serious risk to health.

Asbestos is only a risk to health if asbestos fibres are released into the air and inhaled. This only needs to be a very small amount and can lead to asbestos-related diseases, mainly cancer of the lungs, chest and lining. There is no cure for asbestos related diseases.

Types of Asbestos

The three main types of asbestos which have been commercially used are:-

crocidolite (often referred to as 'blue asbestos')

amosite (often referred to as 'brown asbestos')

chrysotile (often referred to as 'white asbestos')

All are potentially dangerous. The different types cannot be identified by their colour alone.

Law has banned the importation and use of brown and blue asbestos since 1985 and white asbestos was banned with a few limited exceptions from 1999. It was a particularly prevalent building material up until the 1970s but it could be that buildings built in the 1980s may have asbestos in their construction.

In general terms the more solid the material, the less exposure to asbestos fibres, e.g. fibres trapped in asbestos cement create less airborne fibres than loose fibrous lagging around pipework.

The Law

Legislation made under the Health & Safety At Work Act 1974, namely, The Control of Asbestos at Work Regulations 2002 ("CAWR") consolidate existing legislation controlling work on asbestos and now set out new and strict requirements for the management of asbestos in non-domestic premises. The bulk of the legislation came into force on 21st November 2002.

Regulation 4 comes into effect on the 21st May 2004 and places a **duty to manage asbestos risk in non-domestic premises** on:

every person who has, by virtue of any contract or tenancy, an obligation in relation to the maintenance or repair of non-domestic premises or means of access to or from the premises;

or where there is no such contract or tenancy in relation to any part of non-domestic premises, every person who has, to any extent, control of that part or means of access to or from it.

This means that liability may be an issue for Scout Groups (the trustees) that own their own property or hold property by virtue of a Lease or Licence.

The requirement to manage the risk in non-domestic premises involves identifying whether the premises contain asbestos and managing the risk from this material.

Even if premises do not come under the scope of the Health and Safety at Work Act, then all members of the Scout Association have a Common Law duty to ensure that people are not put at risk. Therefore all those involved in the management, *maintenance* or operation of premises used by the Scout Movement *must* take all reasonably practicable action to ensure that no one is exposed to asbestos fibres. This means the Trustees of the Group, District or County/Area.

The asbestos fibres are so small that they cannot be seen by the naked eye, so just visual inspection of the atmosphere around potentially ACM is not an adequate check to ensure safety.

Scouting Premises

In buildings used by Scouts its most common use could be:

asbestos insulating board partition walls, ceiling tiles, heater cupboards, door panels, fire surrounds;

asbestos cement products such as roof and wall cladding, boiler and insulator flues, fire surrounds, gutters, rain water pipes, water tanks;

loose asbestos packing between floors and partition walls;

possible sprayed asbestos on structural beams and girders;

lagging on pipework and boilers;

other products such as floor tiles, rope seals and gaskets on boilers.

Action to take

Using a competent person (*whose minimum qualification is the BOHS P402, course and will usually be an asbestos surveyor, employed by a company that is accredited by UKAS and*

MDHS100 compliant), to inspect and survey whether there are any materials in the premises likely to contain asbestos and check their condition. This will include looking at building plans, the construction or refurbishment specifications and carrying out internal and external inspection.

There are a number of options but the minimum survey recommended is a Type2 survey, which includes both a visual check and the taking and analysing of representative samples.

If there is any doubt whether material contains asbestos, you should always presume that it does, unless there is 'strong evidence' to suggest it does not.

Some materials obviously do not contain asbestos, such as floorboards, brick and stone. Do not be tempted to take samples yourself or to disturb any suspicious material, as you may inadvertently release fibres yourself. Do not break or damage any material, which may contain asbestos in order to try to identify it.

Record written conclusions and keep an *Asbestos Risk Assessment File*. The assessment must be reviewed immediately if there is reason to suspect that it is no longer valid or if there has been a significant change in the premises.

Prepare and implement a system to manage any risks. The premises should be monitored on a regular basis and all findings recorded. Any ACM's left in situ should be labelled and monitored to ensure that their condition has not worsened.

If a decision is made to leave the ACM or presumed ACM that is in good condition in place, then it is particularly important that regular checks are made on its condition. Also record all locations that you have been unable to check, so that any contractors or anyone likely to disturb the material is reminded that they must check if they work in that area.

It is essential that you make the location of ACM known to everyone who needs to know, so that

they do not inadvertently disturb or damage it. One way of doing this is by the use of asbestos warning labels, or some other means of warning, e.g. a colour coded symbol.

Prepare and keep an 'up to date' plan identifying the location and condition of the ACM's. The plans should be clear and available at the premises.

It is vital that you provide anyone who is likely to work on the premises with information on the location and condition of the asbestos. This includes Contractors and the Emergency Services.

If the asbestos is in good condition, that is, not damaged, or likely to be damaged so that fibres can be released, and is not likely to be worked on or disturbed, it is usually safer to leave it in place and check its condition on a regular basis. Good condition means that the surface is not damaged in any way. The use of drawing pins, nails, screws or similar items on ACM must not be permitted.

If the asbestos is in poor condition or is likely to be damaged or disturbed, a decision should be taken as to whether it should be repaired, sealed, enclosed or removed.

The removal of ACM, in most cases, must be done by a Licensed Contractor and the disposal of any ACM is strictly controlled by environmental legislation. It must not just be dumped or taken to a municipal tip.

Repairing Obligations

Where a Lease places repairing obligations on a Tenant, the Landlord should ensure that the Tenant is aware of his obligations under Regulation 4 and satisfy himself that the Tenant complies with those obligations. Where the Landlord himself owes the repairing obligation he will need access to premises in order to carry out the Survey and Risk Assessment. The Lease will dictate the terms of entry and whether survey costs are recoverable under any service charge.

Premises hired by Groups to meet in such as Village or Church Halls, Cricket pavilions or similar.

Groups hiring such venues to meet in must make reasonable enquiries to the person in charge and satisfy themselves that a suitable assessment has been made of the asbestos risk in the premises by a competent person in line with the advice above. If it has and the results and controls are suitable and sufficient, then that's fine. If not, then the Executive should strongly encourage the persons in charge, of this new duty. Give them a copy of this advice sheet and persuade them of the need to act appropriately. If they fail to comply with their statutory duty, the Executive may find themselves in a situation of difficulty in so much as there may be an asbestos risk. One solution could be to ask the persons in charge to share the cost of such a survey with all the regular partners. The worst case scenario may be to have to find alternative compliant premises.

Competent surveying companies

There are a number of national companies offering surveys, and Groups / Districts even Counties should consider coordinating an approach to such companies to try to get a deal on a larger number of surveys. Early investigation has shown a willingness for some companies to provide discounts on coordinated bulk surveys.

Funding

If, as a Group, you are finding it difficult to find the funds to pay for the initial survey or subsequent removal of asbestos, please contact Fundraising and Sponsorship Department at Gilwell Park for advice. Whilst there are no Headquarters Funds to cover these areas there is a possibility of some external funding from grant making trusts etc.

The Community Fund (National Lottery) may also help in certain circumstances but please contact Fundraising and Sponsorship Department in the

first instance as different conditions apply in different parts of the country.

Additional advice can be sought from your Local Authority and from your County / Area Safety in Scouting Co-ordinator.

Useful contacts

Asbestos Removal Contractors Association
[ARCA]

www.arca.org.uk

Thermal Insulation Contractors Association [TICA]
/ Asbestos Control & Abatement Division [ACAD]

www.tica-acad.co.uk

United Kingdom Accreditation Service [UKAS]

www.ukas.com

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