

Policy on Managing Asbestos



EAST RIDING

OF YORKSHIRE COUNCIL

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Policy on Managing Asbestos

I. Background

The Control of Asbestos Regulations 2012 came into force on 6 April 2012, updating previous asbestos regulations and apply to work with asbestos in particular work which disturbs or is liable to disturb asbestos containing materials.

The general duties under the Health and Safety at Work etc Act 1974 and the Management of Health and Safety at Work Regulations 1999 apply and require the Council to ensure the health and safety of its employees and others so far as reasonably practicable.

This policy provides information on the Council's legal duty to manage asbestos in accordance with the regulations.

The Council will take all reasonable measures to manage asbestos so as to protect employees and others from exposure to asbestos, any consequential ill health, and to minimise financial loss.

The Council recognises the health hazards that can arise from exposure to asbestos and the legal and financial consequences arising from inadequate management of asbestos.

Asbestos materials which remain in good condition are safe unless asbestos fibres become airborne, which can happen if the materials becomes damaged or deteriorate. When these fibres become airborne they can be inhaled and have the potential to cause a number of serious diseases.

Asbestos is classified as a category I carcinogen, it is therefore vitally important that asbestos and any potential exposure is managed in an effective manner.

The duty to manage asbestos applies to all of the Council's premises, including the common parts of blocks of flats and housing developments. Common parts include such areas as foyers, corridors, lifts, lift shafts, staircases, boiler houses, vertical risers and outhouses.

The Council will ensure that sufficient information about the location and type of asbestos containing materials will be made available in order to allow for the effective management of the risks during any refurbishment or maintenance work.

2. Foreword

In accordance with the Council's Corporate Health and Safety Policy, the Council is committed to pursuing continual improvements in health and safety. This Policy supports this commitment and forms part of the Council's health and safety management system.

3. Implementation

Directorates are responsible for the implementation of this Policy, and communication of its content, to raise safety awareness, and prevent exposure to asbestos.

This Policy is available on the Safety Services intranet page, and where employees do not have access to the Council's intranet, via their Line Manager or Headteacher.

The Council relies on the co-operation of all employees and trade unions for the successful implementation of this policy.

A review of this policy will be undertaken where significant changes in legislation or working practices deem this appropriate.

4. Duties and Responsibilities

The Chief Executive is ultimately responsible for ensuring that the Council fulfils its legal duty to manage asbestos.

Corporate Buildings

The Director of Asset Strategy has been appointed as the competent person in control of budgetary and maintenance activities for Council premises and assets, precluding occupants of premises and excluding schools (where the duty to maintain school premises is discharged to the school through the provision of a devolved budget).

Council Housing

The Executive Director of Communities and Environment is ultimately responsible and accountable to the Chief Executive for ensuring the requirements of this policy are complied with for Council housing, and that the policy is issued to their directorate team and monitored as necessary to ensure compliance.

The Executive Director will nominate a competent person (Director of Housing, Transportation and Public Protection) for the overall management of Council housing premises to ensure full compliance to this policy.

Within their respective areas they are responsible through the commissioning work to Infrastructure and Facilities for ensuring the following:

- (a) Competent officers are identified to provide advice on asbestos related issues.
- (b) The risk of exposure to asbestos is assessed to ensure that persons are not put at risk from any asbestos containing materials (ACMs).
- (c) Steps are taken to identify materials within premises likely to contain asbestos by arranging necessary asbestos management surveys at regular intervals to determine whether asbestos is present and to assess its condition.
- (d) Refurbishment and demolition surveys are undertaken prior to any upgrading, refurbishment or demolition of any premises.
- (e) Records detailing the location and condition of asbestos and presumed asbestos containing materials are updated at agreed intervals or where there is a change in material conditions.
- (f) Management arrangements are in place to ensure that information on the location and condition of ACMs is passed on to the occupier of the premises and to anyone else potentially at risk of exposure.
- (g) Where refurbishment and demolition surveys are undertaken and asbestos is identified in the fabric of the building that this information is used as the basis to form an archetypal survey in this type of property and the results are applied accordingly.
- (h) Where damaged ACMs are identified, the affected areas are isolated, access to the affected areas is denied, and the asbestos removed and/or replaced with non-asbestos alternatives as part of a rolling programme of improvement and refurbishment, and the asbestos survey updated.
- (i) Where asbestos remains in good condition that it will be left in-situ and will be subject to specified management condition monitoring which will be undertaken by competent trained officers.

- (j) Ensuring any non-licensable works are conducted and undertaken in accordance with the Regulations, within the scope of the operatives training and in accordance with Asbestos Essentials Task Manual.
- (k) Ensuring relevant officers maintain the appropriate qualifications and competencies to allow them to undertake non-licensable works within the Council's housing stock.
- (l) Ensuring asbestos is managed and disposed of through the appropriate waste streams in compliance with the relevant waste transfer arrangements.
- (m) Public Protection, where appropriate, deal with any notification of the presence of asbestos on private land, where necessary through the issuing of abatement notices.

Group Manager Environmental Services

Within their respective area they are responsible for managing the Council's response to both household disposal and illegal disposal of asbestos and asbestos containing materials on Council owned land in accordance with the regulations and act as a duty holder ensuring that:

- (a) Arrangements are in place to provide safe domestic disposal provisions for small quantities of materials through identified household disposal sites.
- (b) Arrangements are in place to direct residents towards licensed contractors who residents can engage to remove asbestos from their properties.
- (c) All notifications of illegally disposed asbestos and asbestos containing materials are recorded and acted upon in a timely manner.

- (d) Where notified of asbestos and asbestos containing materials, necessary precautions are taken to ensure that members of the public/others are not exposed to asbestos fibres until a time the materials can be safely removed.
- (e) Competent licensed contractors are engaged to remove illegally disposed asbestos and asbestos containing materials and that this is disposed of through the appropriate waste streams in compliance with the relevant waste transfer arrangements.

Managers, including Premises Managers and Headteachers

Where they hold responsibility for a building which contains asbestos, they have a "duty to manage" under the regulations and must ensure:

- (a) They have received training to allow them to fulfil their responsibilities under the regulations including, how to condition monitor identified asbestos and/or asbestos containing materials, and where required ensure that relevant staff receive asbestos awareness training.
- (b) Only qualified employees undertake maintenance work activities in areas where asbestos could be present.
- (c) Any works involving asbestos containing materials are conducted and undertaken in accordance with the regulations, and these methods monitored and reviewed as necessary.
- (d) Risk assessments and safe working methods are available, remain up to date and are communicated to relevant staff before work activities are commenced.

- (e) There is a written record of the location and condition of asbestos and presumed asbestos containing materials (ACMs) in the form of an “Asbestos Management Survey” and any identified asbestos is managed in accordance with the Asbestos Management Plan.
- (f) Asbestos Management Surveys and plans remains up to date and reflect any deterioration of identified asbestos containing materials and any removal of asbestos containing materials from the premises/site.
- (g) Where premises or part of them are subject to upgrading, refurbishment, or demolition, confirmation is obtained that refurbishment and demolition surveys have been undertaken by a competent person prior to any works commencing.
- (h) Before any work commences on the fabric of the building, that contractors and others are given clear and concise information on the location of any asbestos containing materials by reference to asbestos management surveys and refurbishment and demolition surveys, ensuring they sign to confirm they have received and understood this information.

Headteachers (in addition)

Headteachers can enter into a service level agreement (SLA) with the Council’s Infrastructure and Facilities service.

This provides asbestos awareness training, assists schools in obtaining asbestos surveys and interpreting the results of these surveys, and effectively managing asbestos.

Additionally through the SLA, schools can obtain assistance to remove asbestos based products as a one-off project but this is subject to an additional fees.

Entering into an SLA with Infrastructure and Facilities will allow the Headteacher to delegate areas of work but not discharge their duties under the regulations which remain with the Headteacher.

If the school choose to opt out of the SLA they must ensure that they have adequate arrangements in place to comply with the requirements of the regulations.

Headteachers must keep the governing body fully informed regarding asbestos management within the school.

Employees

Employees must ensure they carry out assigned tasks and duties in accordance with information, instruction, training and agreed safe systems of work. Specifically they must ensure:

- (a) They cooperate to enable their Manager/Headteacher/Supervisor to implement effective management systems.
- (b) They rigorously follow safe systems of work and use all equipment that has been provided for their safety in a correct and appropriate manner.
- (c) They wear personal protective equipment in accordance with instructions provided
- (d) They stop work immediately should they suspect the presence of asbestos which has not previously been identified.
- (e) They report any concerns regarding their work activities or their health and safety immediately to their Line Manager.
- (f) Their own health and safety and that of others are not put at risk by their actions.

Safety Services

The primary function of Safety Services is to support the Council and its employees by providing professional, authoritative, impartial advice on all aspects of health, safety and wellbeing.

5. Arrangements

Asbestos Management Surveys and Plans

The Council will manage asbestos in its premises and assets in accordance with the requirements of the regulations, aiming to ensure that surveys of all non-domestic premises including schools and common areas of flats are undertaken on a risk assessed rolling programme.

The only work that the Council carries out is Non Licensed and Non Notifiable Works. Any other work will be carried out by a licensed contractor.

Management Surveys

The Management Survey is required to manage asbestos containing materials during the normal occupation and use of our premises (see section 4 duties and responsibilities). The management survey aims to ensure that:

- (a) Nobody is harmed by the continuing presence of asbestos containing materials in the premises or equipment.
- (b) Asbestos containing materials remain in good condition and nobody disturbs it accidentally.
- (c) A management action plan is kept fully up to date so that any asbestos containing materials are maintained in a safe condition.

Refurbishment and Demolition Surveys

A “refurbishment and demolition” survey is necessary before carrying out any work that may disturb the fabric of a building.

The purpose of this survey is to locate asbestos containing materials so that they can be removed before the refurbishment work starts.

Non Licensed Work

Any non-licensed works will be conducted and undertaken in accordance with the Regulations, and in line with the operatives training. (See Appendix I for examples of non-licensed work).

6. Competent Contractors

The Council will take all reasonable steps to ensure that anyone they appoint to either survey, remove or undertake works on or around asbestos containing materials is competent. Knowledge of asbestos risks and working precautions form an element of this competency.

The Council will ensure that potential contractors have had the relevant training and possess the requisite, skills and experience through such means as the United Kingdom Accreditation Service (UKAS) or personal certification.

7. Survey Types and Non Licensed Work

Non Licensed Work

Where work is exempt from the need for a licence, there is still a need to determine if it is notifiable non-licensed work or non-licensed work. The key factors that influence this are:

- (a) The type of work; maintenance, removal, encapsulation, air monitoring and control.

- (b) The type of asbestos; is it friable? How firmly is the asbestos bonded in a matrix?
- (c) The materials condition; has the material been damaged or is it in a poor condition? Will the materials matrix be destroyed when worked on?

All non-licensed work needs to be carried out with the appropriate controls in place. To be exempt from needing a licence the work must be:

- (a) Short, non-continuous maintenance work involving asbestos insulation board (AIB) which is in good condition, eg drilling holes in AIB to attach a fitting or pass through a cable or pipe, cleaning light fittings attached to AIB, removing a door with AIB fire-proofing, or lifting ceiling tiles for inspection where there is no full-body entry into the roof space.
- (b) Short, non-continuous maintenance work on asbestos cement (AC), eg work on weathered AC roof tiles.
- (c) Removal of AC, which is kept virtually intact.
- (d) Short, non-continuous maintenance work on textured decorative coatings, eg drilling holes, inserting screws or painting.
- (e) Small-scale maintenance work with textured decorative coatings when this can be achieved without deterioration of the material, eg by careful cutting around backing sheets to achieve removal intact.
- (f) Removal, for example, of gaskets or asbestos rope cords from heating appliances, which can be left in situ for disposal or can be lifted out

virtually intact, without substantial breakage.

- (g) Short, non-continuous maintenance work on clutch discs, brakes, friction products etc unless significant damage is required eg by power tools.
- (h) Removal of floor tiles or bitumen felt, when done with the appropriate controls, eg in line with Asbestos Essentials sheets A21 and A23.
- (i) Work to enclose or seal asbestos materials that are in good condition (and that do not require a licence).
- (j) Air monitoring and control, and the collection and analysis of samples.

8. Arrangements for dealing with accidents, incidents and emergencies involving asbestos

In the event of an unplanned release of asbestos arising through an accident or incident in the workplace, immediate steps must be taken to contain and manage the area to minimise the wider effects arising from such a release ensuring that:

- (a) Work ceases immediately and the area and any contamination (including contaminated persons) is initially quarantined to that area wherever possible to minimise the spread of contamination to other areas.
- (b) Both the Council's Corporate Asbestos Monitoring Officer (01482 395990) and the Safety Services Team (01482 391114) must be contacted in the event of incidents or an uncontrolled release involving asbestos and immediate advice sought from them.
- (c) Persons other than those authorised and trained to do so are prevented from accessing the affected area.

- (d) Persons who have become contaminated remove contaminated clothing and seal these inside plastic bags (double bag) and leave within the contaminated area for disposal as contaminated waste.
- (e) Where possible, persons who have become contaminated shower and wash their hair.
- (f) The cause of any uncontrolled release is thoroughly investigated.
- (g) Support and guidance is given to any individuals who may have been identified as having been affected by an uncontrolled release, and where it is believed they may have been potentially exposed to asbestos fibres that a note of the exposure is made on the individual's employee health record or personal file.

In the event of an unplanned release of asbestos arising through an accident or incident the Council will ensure that sufficient information is available to the relevant emergency services including:

- (a) Communication arrangements on site.
- (b) The type, condition and location of the asbestos.
- (c) Details of relevant hazards.
- (d) Arrangements for evacuation.
- (e) Decontamination procedures.
- (f) Clean up procedures.

Further guidance can be found within the Health and Safety Executive 'Equipment and Method Sheet' (EMI) on "What to do if you discover or accidentally disturb asbestos during your work".