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Exemptions:

**Asbestos Liaison Group (ALG)**

Minutes of the 23rd meeting of the Asbestos Liaison Group held on 22 May, 2008 at HSE, Rose Court, London

**Present (HSE)**

Barbara Healey, Chairperson  
 Greg Haywood, Head of ALU  
 Colin Seditas, ALU  
 Moira Gilfillan, ALU  
 Kevin Walkin, Cancer & Asbestos Unit  
 Mark Cottrial, FOD Construction

**TAs / TUs**

Mike Wilkes, ACAD  
 Tony Dillon, ACAD  
 Peter Austin, ACAD  
 Mark Smith, Silverdell  
 Rob Blackburn, Redhill Analysts  
 John Richards, RICS  
 Grant Beglan, ARCA  
 Steve Sadley, ARCA  
 John O'Sullivan, ATAC  
 John Harris, NFDC  
 Rob Greenfield, BIFM  
 Peter Wilson, UCATT  
 Susan Murray, TGWU  
 Mike Keeligan, AMAC  
 Richard Morgan, GMB  
 Wendy Stimson, CBH  
 David Couldridge, Royal Borough of Kensington Council

**Apologies**

Martin Gibson, SSG, Edinburgh  
 Liz Standen, ALU  
 Gill Ross-Jones, EA,  
 Michelle Aldous, CBH  
 John Horsfall, ATAC  
 Tony Tynan NFDC  
 Lydia Harrison, HSE

Item	
<b>1</b>	<b>Introductions and apologies, welcome, etc (Barbara Healey)</b>
<b>1.1</b>	Barbara welcomed Wendy Stimson, Rob Blackburn, Mark Smith and Moira Gilfillan to the meeting. Apologies were received from Martin Gibson, Liz Standen, Gill Ross-Jones, Michelle Aldous, John Horsfall, Tony Tynan, Lydia Harrison.
<b>2</b>	<b>Minutes of meeting held on 24 January 2008 (Barbara Healey)</b>
<b>2.1</b>	The minutes were agreed.

<b>3</b>	<b>Matters arising from the minutes (Barbara Healey)</b>
<b>3.1</b>	<b>ALG Memos.</b> ALG memo on demolition has been circulated. ALG memo on maintenance not yet issued – awaiting input from HSL via Martin Gibson.  <b>Action - To be discussed further at next meeting</b>
<b>3.2</b>	<b>Waste.</b> No update available on the legal position in Scotland.  <b>Action – Defer to next meeting.</b>
<b>4</b>	<b>Duty to Manage Asbestos Review – (Kevin Walkin)</b>
<b>4.1</b>	Kevin gave a brief update on the evaluation of the Duty to Manage asbestos. Surveys had been undertaken by IES/MORI of maintenance workers and dutyholder compliance, with follow up of 20 dutyholders being completed by the end of May. An initial report was expected in May with the final one due by the autumn. Getting smaller companies involved in the survey had caused problems. HSE is also working with members of ALG to obtain factual information on the effect of the duty to manage to supplement information from the survey. Information from other members of ALG would be welcomed. A paper will be presented to the HSE Board in due course.  <b>Action: Moira Gilfillan to circulate presentation to ALG members</b>
<b>5.</b>	<b>DRP Campaign Update – (Kevin Walkin)</b>
<b>5.1</b>	<b>Campaign update</b>
<b>5.1.1</b>	Kevin explained the recent Asbestos Pilot Campaign and its evaluation. The campaign was to raise awareness of the dangers from asbestos among maintenance workers based in the North West Region - full results will be available in due course. The evaluation involved 300 individuals and one outcome showed that the level of awareness of asbestos increased from 35% to 85% following the campaign. Radio advertising had proved particularly effective in publicising the issue and mail shots had also been successful. Some 500,000 information packs had been distributed by stakeholders and been well received. The campaign will be rolled out nationally later this year and will specifically include carpenters this time.  Kevin commented that the stats he mentioned were preliminary findings and the final results would be available in due course on HSE's web site.
<b>6</b>	<b>Training – update from TPWG (UKATA) (Mike Keeligan)</b>
<b>6.1</b>	Mike explained that the association now has 50 members with most training providers who do licence holder training signed up. 6 more waiting for acceptance and more in line.  The technical committee is currently reviewing the content of training courses with a view to expanding them to cover general health and safety topics.  Cat 1 training providers to be re-audited at the end of the year – currently working on criteria for audits.  The question base for the tutor assessment course is being tested now and will then be implemented.  Competence assessment scheme for operatives – criteria now in place. To be refined and developed to deal with the training needs analysis required in refresher training. NIACs and City & Guilds are being considered.  Assessments, (both practical and written) will be carried out by training providers. It is intended that this will be a nationally accepted standard. Comments are now being sought from C&G in the next 2 weeks. Assessment questions are to go through a further

	<p>review process then back to UKATA in the next 4-6 weeks.</p> <p>The meeting discussed the formation of a training consultation group to help steer work on the competency assessment scheme. Mike agreed to send proposal papers to Colin for circulation to members. Comments on the proposal to be sent to ALU.</p> <p><b>Action – Mike Keeligan to submit proposals for training consultation group to Colin Seditas who will circulate paper and collate responses.</b></p> <p><b>Action – Mike Keeligan to inform next meeting whether NIACS or C&amp;G scheme chosen.</b></p>
<b>7</b>	<b>Surveying – Code of Conduct (John Sullivan)</b>
<b>7.1</b>	<p>Surveyors and analysts – Code of Conduct. John explained that ATAC would be meeting ARCA/ACAD and Martin Gibson in June to discuss and sign up to the Code of Conduct and look at a Code of Practice. Improvements must be made to training standards. It was hoped that a day course for surveyors and more for clearance work should be available by the end of this year.</p> <p>ACAD have set up a test site for competency assessment, where the assessor watches the trainee, practical assessment would then be followed by 1st initial examination and an open test paper.</p> <p>Greg Haywood explained that while HSE were in support of such training, they could only enforce legal standards. HSE could however say that it complies with the law. The key issue is surveyor and analyst competency and HSE inspectors would still be asking questions to prove competency during the assessment process.</p>
<b>8</b>	<b>ALG Occupational Health Subgroup Update</b>
<b>8.1</b>	<b>Employer Membership Scheme – costs and benefits (Wendy Stimson)</b>
<b>8.1.1</b>	<p>Wendy explained various initiatives being run by Constructing Better Health. CBH have now published standards and are registering OH providers. They are also introducing a range of employer benefits including a helpline and on-line training. Membership costs are based on the size of the company and its turnover. Details available on their website: <a href="http://www.constructingbetterhealth.co.uk">http://www.constructingbetterhealth.co.uk</a>. Companies don't have to become members, but access is restricted for non members. Supervisors will have access to health check forms on line – these won't contain specific medical information.</p> <p>Greg advised that it is a legal requirement that medicals must be carried out by an Appointed Doctor. A full occupational health medical could be carried out at the same time.</p> <p>Explanatory leaflets are being printed now, and in future may be printed in foreign languages, if funding is available. It was suggested that the TUC could be approached for this. ARCA, ACAD, AMAC agreed to publicise the organisation and its initiatives through trade publications and on the HSE Asbestos communities site.</p> <p><b>Action – CBH to send details to ALU who will put them on the Asbestos Communities site. ARCA, ACAD, AMAC will promote through their own publications.</b></p> <p><b>HSE to circulate presentation.</b></p>
<b>9</b>	<b>Environment Agency Update</b>
<b>9.1</b>	No information available
<b>10</b>	<b>Local Authority Issues</b>
<b>10.1</b>	David Couldridge commented on the need to get LACORS involved in issues, as a better

	<p>link was needed with them.</p> <p><b>Action – David Couldridge/Greg Haywood to facilitate link with LACORS</b></p>
<b>11</b>	<b>ALU Update</b>
<b>11.1</b>	<b>ALG Memos</b>
<b>11.1.1</b>	<p><b>Demolition:</b> Colin Seditas confirmed that the ALG memo on demolition has been published.</p> <p><b>Maintenance:</b> The maintenance memo has been drafted but needs more input from scientists. Martin Gibson is co-ordinating this, and it should be out soon.</p> <p><b>Scaffolds:</b> The scaffold works memo is being revised in the next 2 weeks. It will further clarify the impact of the 2006 Regulations for scaffolders. There are two issues here – one for scaffolds forming part of an enclosure (which will always require a licence) and one for access scaffolds (where the requirement for a licence is based on risk assessment). The ACoP makes the difference clear.</p> <p><b>ALU Stats:</b> One further memo is planned on ALU statistics which have just been produced for the year ending March 2008. Briefly, there were 370 assessments in the last year, 46 refusals and 76 reductions to 1 year licences. There had also been a reduction in visits from 847 last year to 563 this year due to other reactive pressures on inspectors.</p> <p>The reduction in visits was noted, and a discussion followed on Inspector staffing figures. HSE has the same number of construction inspectors this year (150) as last year with 40 trainees (for both construction and other operational groups) starting this year. Recruitment comes from a variety of sources, mostly those with some experience of industry.</p> <p><b>ALU's policy for revoking and refusing licences</b> is being reviewed with input from solicitors office, particularly the part relating to the reputation of the company to be a licence holder, as all breaches including fraud and violence must be taken into account. No target date set as yet.</p> <p><b>ALG Memos General</b> - There is a need to distinguish between ALG memos which could be produced by ALG members, and guidance issued by ALU. A paper will be put together for the next meeting.</p> <p><b>Action: Grey Haywood to produce paper on ALG memos/ALU guidance for next meeting.</b></p>
<b>11.2</b>	<b>Notifications</b>
<b>11.2.1</b>	<p>Later this year, method statements will no longer need to be submitted with the notification. There will be a new ASB5 notification form which will be available as a pdf file to download, but will have to be completed and sent by post at the moment. It's hoped that an on-line version may be available in the future. <b>The current notification process remains in place until licence amendments are made.</b></p>
<b>11.3</b>	<b>PAS 60</b>
<b>11.3.1</b>	<p>BSI Committee have agreed PAS60 as a British Standard – now up for formal approval. They will report back in a month or two. Gary Burdett is already on the committee and volunteers from industry were requested. Peter Austin from ACAD volunteered to provide a representative, as did Steve Sadley from ARCA.</p>
<b>11.4</b>	<b>ALU Update general</b>

11.4.1	The last Asbestos Leadership Event will take place on 29 May. There may be some funding for further events, but format and scope of these still be to decided, may target property developers.
12	<b>REACH</b>
12.1	Kevin Walkin gave a short update on REACH. REACH is a direct acting European Regulation and among many other things will impose prohibitions on the import, supply and use of asbestos. Consultation on DEFRA's Regulations are due which will revoke the current prohibitions in the Control of Asbestos Regulations 2006 and which will allow HSE to continue to enforce. The Regulations will be in place by 1 June 2009. He advised that, as it stands, there is no mechanism in REACH for exemptions from the asbestos prohibitions. There are already exemptions in REACH for research and for national security but not for other purposes. For example, many museums have exhibits which contain asbestos and it seems that these cannot now be supplied to another museum under REACH. There may be difficulties for the supply of samples containing asbestos used for reference purposes. There are also questions about the importation of articles containing asbestos for disposal or for heritage purposes. These issues will have to be resolved during consultation.
13	<b>Scheme for contractor competence</b>
13.1	<p>Rob Blackburn explained the proposed scheme for contractor competence. This had been raised due to a need for the industry to develop their own standards which are fit for purpose. A large group of stakeholders will be involved including HSE and TUs. It was envisaged that the proposal would be voluntary at first, but would perhaps become an ACoP or Regulations in future. Rob asked for support for the scheme from ALG and for ALG to become part of the stakeholder process.</p> <p>As this is a new proposal there was some debate about the effectiveness of the scheme – it was agreed that the presentation would be circulated and members should consider the proposals in more detail at the next meeting. It was also proposed that interested groups should meet separately and provide a “way forward” paper for discussion at the next meeting.</p> <p><b>Action: ALU to circulate presentation to ALG members. Rob Blackburn to prepare “Way forward” paper for discussion at next meeting.</b></p>
14	<b>Any Other Business</b>
14.1	<b>Protocols for Testing (Rob Blackburn)</b>
	<p>Rob said that at present there is no protocol for reassurance tests. He asked if an ALG memo could be put together which would include recommended protocol for reassurance tests and disturbance tests. It was agreed that Rob would prepare a draft which ALU could quality control and issue as an ALG memo.</p> <p><b>Action: Rob Blackburn to prepare draft ALG memo, ALU to issue once agreed.</b></p>
14.2	<b>DRP – Duty to Manage Pack</b> ARCA requested further bulk copies of the Duty to Manage pack (around 5 – 6000). Kevin Walkin agreed to find out if this was possible, although there may be a charge.  <b>Action: Kevin Walkin to check availability/cost of packs</b>
14.3	<b>Unlicensed Contractors Guide</b> A draft is being produced, which will be available later this year. The completed document will be publicised on the Asbestos pages of HSE's web site.
14.4	<b>MDHS100</b> ACAD raised a question about the analysts guide and the requirement for a 10 minute

	clearing period. It was agreed that such queries should be emailed to Martin Gibson who would deal with them on his return to work.
<b>15</b>	<b>Date, time, location of next meetings:</b>
<b>15.1</b>	Thursday 25 September, 2008, ARCA, Burton on Trent
<b>15.2</b>	Thursday 22 January 2009, Darlington Football Club (ACAD)