

Health and Safety Commission Paper		HSC/06/56 addendum	
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HEALTH AND SAFETY COMMISSION

Proposed Control of Asbestos Regulations: Recommendations following consultation

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Issue

1. Addendum to HSC/06/56 detailing proposed changes to the draft Control of Asbestos Approved Code of Practice (ACoP - Annex 2 of HSC/06/56) following consultation with stakeholders referred to in paragraph 11 of that paper.

Timing

2. Urgent. The ACoP must be approved at the meeting on 25 July 2006 if it is to be published by 1 October 2006.

Recommendation

3. The Commission approves the proposed changes to the draft Control of Asbestos ACoP (Annex 2 of HSC/06/56).

Argument

4. As detailed in paragraph 11 of HSC/06/56, HSE has continued to liaise with stakeholders in recent weeks on the ACoP and proposes the amendments detailed in Annex 1 of this addendum. The amendments are primarily clarifications, minor technical changes and typographical errors. However, the Commission will need to approve these amendments so that they can be incorporated into the published ACoP.

5. Annex 2 shows the proposed changes in 'track changes' mode but note that the paragraph numbering does not correspond with that in Annex 1 because of the changes made.

Proposed amendments to the Approved Code of Practice for the Control of Asbestos Regulations

All references in the ACoP to type H vacuum cleaners will be amended to Class H vacuum cleaners and the references to the British Standard for such vacuum cleaners will be amended to BS EN 60335 (see paragraphs 30, 132(d), 160(e), 176(b), 176(c), 186, 234, 250, 271, 290, 308 and 311).

Paragraphs 30 has been updated to read - 'Ancillary work' means work associated with the main work of repair, removal or disturbance of asbestos. Work carried out in an ancillary capacity requires a licence unless the main work (i.e. the removal, repair, disturbance activity) would result in worker exposure which fulfils the conditions for regulation 3(2) to apply. 'Ancillary work' includes the maintenance of equipment which is, or could be, contaminated with asbestos, e.g., Class H vacuum cleaners (*BS EN 60335*) and air extraction equipment (which includes "negative pressure" units). Paragraph 187 of this ACoP provides more information. "Negative pressure" refers to air pressure within an enclosure being lower than that outside it. Ancillary work also includes putting up and taking down scaffolding, including any scaffolded frame, to provide access for licensable work where it is foreseeable that the scaffolding activity is likely to disturb the asbestos.

Paragraph 60 has been updated to read - The plan of work should always be job-specific. However, information from previous similar jobs can be used in the risk assessment provided there are no additional risks and it is appropriate for the site conditions.

Paragraph 66 has been updated to read – 'The significant findings of risk assessment should be communicated in a comprehensible way to the employees before they start the work and others as appropriate to minimise the risks to them.'

Paragraph 68 – The final sentence has been moved to become guidance material rather than ACoP material.

Paragraph 70(d) has been updated to read – 'A description of the quantity, form, size, means of attachment, extent and condition of any ACMs present;'

Paragraph 75 – The final sentence has been amended to read – 'This will include reduced work periods and the effective introduction of cool air to the work area (eg air conditioning).'

Paragraph 90 has been updated to read – 'This regulation means that you must not carry out any work with asbestos (other than that fulfilling the conditions for regulation 3(2)) unless you hold a licence issued under this Regulation and comply with its terms and conditions. This includes:

- a) supervisory work;
- b) ancillary work;

- c) work with asbestos in your own premises with your own employees;
and
- d) supply of labour

Work within the scope of licensing includes work with asbestos insulation, asbestos coatings (excluding textured decorative coatings containing asbestos) and asbestos insulating board).

Paragraph 92(c) – The text dealing with air extraction units has been amended slightly to read ‘...and air extraction equipment (which includes “negative pressure” units).

Paragraph 126(b) has been updated to read – ‘Training for non-licensable asbestos work. This is for those who undertake planned work with asbestos which is not licensable such as a roofer or demolition worker removing a whole asbestos cement sheet in good condition or analytical staff and asbestos surveyors.’

Paragraphs 144 and 145 – The requirement to provide any anonymous collective information from the health records has been moved from paragraph 144 to paragraph 145 as health records are only required for licensable work.

Paragraph 169 – The cross reference is to paragraph 39.

Paragraph 176(a) – A sentence has been included to state that other suitable PPE eg coveralls should also be worn.

Paragraph 176(b) – The reference to ACM debris or dust has been amended to refer to textured decorative coating debris or dust. The references to the use of PVA and cling film for temporary encapsulations have been removed.

Paragraph 176(e) has been updated to read – ‘Once the work is complete, the area should be thoroughly cleaned before being returned to the occupier. All visible traces of dust and debris should be removed and the enclosure dismantled. A thorough visual inspection should then be carried out. Clearance air monitoring is not necessary as part of the clearance procedures.

Paragraph 176(f) has been updated to read – ‘An independently provided certificate of reoccupation is not necessary but a written statement should be issued to the occupier stating that the area has been thoroughly cleaned and visually inspected to ensure that no visible traces of dust and debris remain and is suitable for reoccupation. The statement should also contain the following information: the site address, the dates of the work, a brief description of the work, the name and address of the contractor, and details of the specific areas and items visually checked. The statement should clearly bear the name and signature of the person completing the inspection.’

Paragraph 177 - The example of an airless spray with wetting agents being used for wetting has been removed.

Paragraph 188 – The reference to a “negative pressure unit” has been changed to air extraction equipment.

Paragraph 209 has been updated to read – ‘Employers should make sure that vacuum-cleaning equipment is inspected weekly when in use and is tested and examined thoroughly every six months. This requirement applies to all vacuum equipment including for non-licensed work. Before the vacuum cleaner is used, employers should ensure that the waste bag is new or has been inspected to see whether it needs to be emptied and that the vacuum is providing adequate suction. Because of the potential for fibres to be released, this should be carried out under controlled conditions to prevent spread, i.e. within the enclosure, by workers wearing PPE, including RPE.’

Paragraph 211 – The first sentence has been amended slightly to read - ‘All air extraction equipment which is necessary (which includes air movers or negative pressure units (NPU)), including extraction units provided on hygiene facilities and relevant ventilation equipment in laboratories handling asbestos, should be...’

Paragraph 218 - The cross reference is to paragraphs 222 to 224.

Paragraph 235 – The first sentence has been updated to read – ‘If an enclosure is being used, and the main hygiene facilities are connected to the enclosure, then, following preliminary decontamination in the airlock, protective clothing, including footwear, should be taken off in or in a separate airlock before the dirty end of the hygiene facility.’

Paragraph 239 has been updated to read – ‘Following work in enclosures, non-disposable clothing and towels for washing should be collected from the airlock and hygiene facility as soon as they have been discarded.’

Paragraph 241 has been updated to read – ‘Asbestos surveyors and those sampling materials for asbestos who undertake occasional sampling as referred to in paragraph 238 should use their judgement to determine whether or not their overalls may have been contaminated and should be disposed of.’

Paragraph 255 - The cross-reference is to paragraphs 270 to 272.

Paragraph 257 – The first two sentences have been updated to read – ‘Enclosures are not normally required for work with asbestos cement. For other non-licensable work where a risk of significant contamination exists, the work area should be enclosed.’

Paragraph 267 has been updated to read – ‘Where reasonably practicable, hygiene facilities should be connected directly to the enclosure airlock system. However, where this is not impractical, they should be located as close as is practicable, and procedures for preliminary decontamination and transiting

should be drawn up and followed. The airlocks need to be of sufficient size (1m x 1m x 2m minimum where space permits) to allow storage of equipment (e.g. vacuum cleaner, footbath with brush, separate bucket of water and sponge for wiping RPE and overalls) and to allow proper preliminary decontamination to take place. There should be weighted flaps on each of the airlocks, located on the enclosure side.'

Paragraph 285 has been updated to read - When work with asbestos comes to an end, the work area should be thoroughly cleaned before being handed over for reoccupation or for demolition. All visible traces of asbestos dust and debris should be removed and a thorough visual inspection carried out. Where the work is licensable then the 4-stage clearance procedure (which includes air sampling) should be carried out and a certificate of reoccupation issued. Where licensed work is performed out of doors (e.g. soffit removal), then clearance air sampling will not be required. In this situation, the certificate of reoccupation should still be completed but without stage 3 (air monitoring). Clearance air sampling will not be required for non-licensed work.

Paragraph 307 was highlighted as ACoP text but is guidance.

Paragraph 308 is misplaced and has been moved to replace the text in paragraph 311.

Paragraph 310 - The reference to '...when measured by methods set out in the method Analysts' Guide...' has been moved to become guidance material rather than ACoP material.

Paragraph 317 has been updated to read – 'All areas where asbestos work is being undertaken, subject to the exemptions provided in Regulation 3(2), should be demarcated and identified by suitable warning notices as asbestos areas. Where the exemptions under Regulation 3(2) apply, and it is not necessary to demark an asbestos area or respirator zone, RPE should still be worn if it is reasonably practicable to do so.'

Paragraph 319 has been updated to read – 'Any area, where an employee may be exposed to asbestos to a level which may exceed a control limit, must be designated as a respirator zone. Respirator zones, whether enclosed or not, must be demarcated and identified by suitable warning notices including notices that RPE must be worn.'

Paragraph 358 has been updated to read – 'Any waste where the escape of hazardous quantities of respirable asbestos fibres can occur during carriage should be placed in UN approved packaging (available in up to 2 tonnes capacity) – this does not apply to asbestos cement or textured decorative coatings. The Licensed Contractors' Guide¹ provides further advice.'

Paragraph 362 has been updated to read – 'Waste should be placed in suitable, labelled bags, wrapping or packaging as it is produced which, once

¹ Asbestos: The Licensed Contractors' Guide – HSG 247, ISBN 07176 2874 4

sealed, ensures no asbestos fibres are released except that this shall not apply to intact asbestos cement sheeting in good condition and textured decorative coatings containing asbestos firmly attached to a board. Where practicable, packaging should be sealed and the outside cleaned before removal from enclosures or the work area, and should be taken to a suitable and clearly identified secure storage area such as a lockable skip if they are not being disposed of at once.