

With the deadline for managing all asbestos containing materials under a year away Paul Faupel and Paula Worswick explain how one organisation has taken steps to meet the challenge of complying with the Control of Asbestos at Work Regulations 2002 (CAWR).

## **Cambridgeshire County Council - Management of Asbestos**

As an employer with a property portfolio of approximately 750 premises and nearly 13,000 employees Cambridgeshire County Council (CCC) is particularly affected by CAWR. In addition, the council is a landlord, with the largest tenanted local authority farms estates in England. CCC is also a tenant because a number of its services are provided from commercially let offices or from accommodation within premises of key partner organisations such as the NHS. In this context, during the past decade, the council has overhauled its policy and procedures for the management of asbestos containing materials (ACMs). The main impact of the CAWR is the new duty to manage ACMs, which comes into force on 21 May 2004, together with 'The management of asbestos in non-domestic premises' Approved Code of Practice. Under CAWR, the duty holders are employers, the self employed and persons who have control of premises, including those with obligations for the maintenance or repair of non-domestic premises under a contract or tenancy agreement. Where there is more than one dutyholder in a premises, the nature and extent of their respective obligations to comply will depend on their defined responsibilities for repair and maintenance.

### ***Getting started***

CCC is not unique in its experience with ACMs. While recognising its obligations to control and minimise exposure of workers and others, including service users and contractors, there were nevertheless a number of incidents in the late 1980s and early 1990s, which identified the need for improvement. A small team of property and health and safety professionals undertook a review and revision of policy and procedures for managing ACMs.

There were a range of varying pressures, including the tendency to think that managing ACMs was 'somebody else's job'. There was also no single specialist responsible for the coordination of asbestos related issues.

Despite these, and other non-health and safety related pressures, we did succeed in:

- raising awareness about the need for managing ACMs;
- providing the first comprehensive internal guidance (the 'Asbestos Manual') specifically designed to assist managers and specialists;
- implementing a training programme for property professionals;
- implementing arrangements to assess the status of ACMs as part of scheduled property surveys and preparatory to repair, maintenance or refurbishment.

### ***Maintaining momentum***

By the late 1990s it was clear that the successive amendments to the CAWR 1987 might lead to major revisions including – informal HSC contacts suggested – a new duty "to manage asbestos in premises". Our experience with ACMs also warranted a review of our policy, procedures and guidance as we were still having difficulties with small scale works where contractors encountered them. CCC took the long view that, if the duty to manage was to become a reality, it would be better to ensure, as far as we could, that our planned revision took account of such a development. A strategic approach was adopted and an Asbestos Co-ordinating Group (ACG) was established early in 1998 under the chairmanship of the assistant director responsible for property. With hindsight, this was critical to future success because without the leadership, involvement and commitment of a high level manager the initiative would have foundered.

The ACG identified the need for the 'Asbestos Manual' to be revised and reissued, supported by further training. A necessary precursor to this was research and evaluation of other employers' policies on asbestos in order to have a 'yardstick' against which to assess our own. It was recognised that a specialist 'asbestos co-ordinator' was needed in order to ensure that actions identified by the ACG were carried through to implementation, and also to provide a source of qualified technical and professional competence to complement that of the health and safety team. Paula Worswick was appointed to this post in June 1999, following approval of the proposal by members of the County Council.

One of the first critical decisions for the ACG in 1998 was about surveying for ACMs. It was not known if the new regulations would include a requirement for surveying, and of course we now know that there is not. However, a large and diverse organisation such as CCC, with highly devolved management arrangements, still retains the corporate accountability for compliance with health and safety law. Therefore, it was concluded that ACMs would only be managed effectively if there was a record of their location, type and condition. At this time CCC was embarking on a major information and communication technology strategy. The property division already had a system for record keeping. Ideally, the survey software system would therefore have to be compatible with both the proposed ICT strategy and the existing system. Before deciding on a final system, it was proposed to conduct a pilot survey of 25 representative premises, for which a specification was prepared, including the requirement for a database. Because of the costs involved, this was a tendered project and it had to be made clear that the successful bidder for this work would not necessarily be awarded work in the subsequent phases. The specification required the organisation and its surveyors to be appropriately accredited for competence to conduct asbestos surveys.

The pilot was completed by December 1998, two months ahead of target. The results were evaluated and shared with the participating sites in the form of an asbestos register. Feedback from the surveyors and the establishments was taken into account in designing the specification for the next phase. The work undertaken in this period had coincided with the partition of Peterborough based services, which were transferred from CCC to Peterborough City Council following the Local Government Review. As the culmination of the continuous change in local government throughout the 1990s, this meant loss of staff and diversion of management time. Before embarking on the next phase, decisions were needed on which premises would take precedence for surveying, since the resources were not available to survey them all in a single financial year. It was decided that the most vulnerable population was schoolchildren and therefore schools would be surveyed in the next phase, followed by all other CCC premises. Coincidentally, a policy decision had been taken to sell off elderly people's homes (EPH) to the private and charitable sector since CCC and the government agenda for local government was for it to be an enabler and facilitator of services rather than be a direct provider. This presented a dilemma, since it might be argued that the EPHs should have been surveyed before they were sold. However, the original phasing was adhered to and after specification and tendering, was completed by the winter of 2000.

Difficulties encountered at this stage included:

- absence of property plans, or lack of up-to-date plans, on which to base the survey specification;
- specifying and procuring, and investing time to customise, ICT software that would produce intelligible results as both plans and narrative records compatible with the property division's existing software for property records;
- reluctance of some managers to attend the awareness training, requiring increased vigilance and director level intervention.

The last point was an important one because a policy decision was subsequently taken to make health and safety training mandatory. To encourage attendance, the training was reviewed and its focus altered to be more 'manager friendly'. This was particularly critical for schools because the progressive government reforms in the education sector had culminated in even higher levels of delegation of management and financial powers to schools, which removed corporate control over maintenance and improvement works. It therefore potentially exposed CCC to a higher level of risk of system failure and potential for prosecution or litigation should an asbestos incident occur. Using Type 2 (non-invasive) techniques, as defined in MDHS 100 the surveys identify where ACMs are present, their nature and condition. Risk is rated according to a number of criteria. These risk ratings are then used to assist the surveyor in assigning an 'action' to each ACM identified. These actions are then assigned a timescale. For example a high risk rating may produce an action of "remove entirely" with a timescale of "immediate action". A low score on the other hand may be assigned an "inspect at intervals" with a timescale of "within two years".

The survey data is then entered into the Asbestos Management Suite software produced by Performance Support International. At the time that it was necessary to procure the software system, it was accepted that it would not be possible to integrate the Asbestos Management Suite software with the property division's new asset management register. However, there is a flag in the Property Asset Management software to highlight the need for the relevant managers and property professionals to seek asbestos information and assess the implications for a project.

The information held on the Asbestos Management Suite software is converted into an Asbestos Register, which is held by the relevant establishment for consultation by contractors. The Asbestos Register is made up of five sections:

- Advice Sheet for Contractors – informing contractors of the nature of the survey and what to do in the event of finding suspected asbestos materials;
- Areas of No Access – providing details of the areas the surveyor could not access during the survey such as ducts with no access panels;
- Inspection Summary – detailing the materials that were inspected during the survey;
- Certificate of Analysis – detailing sample results; and
- Annotated Site Plan.

When they arrive to undertake work, contractors consult the register and note where ACMs have been identified in relation to where they will be working and the nature of their work. This helps them to minimise the risk of exposure while doing their work. It also means that they do not have to take unnecessary precautions. However, if they are to break into a structure, if it has not been identified that it contains ACMs, they must proceed on the assumption that it does and adopt the appropriate precautions. Where possible, MDHS 100 type 3 surveys are carried out prior to such work.

## ***Current developments***

During 2000-2001, use of the "professional grapevine" allowed CCC to learn at an early stage in their development more detail of what would be in the draft CAWR 2002, the associated Regulation 4 ACoP and the proposed MDHS 100. This helped to inform planning and decision making – optimising the use of resources.

The final phase of surveying is on target for completion by August 2003. The learning from the earlier phases has been applied to improve the quality and standard. The asbestos co-ordinator has carried out quality assurance checks during the two main survey phases, which has been beneficial in securing improved performance from the surveying contractors.

Concurrent with the development of our approach to the management of ACMs, we were working with a consultant who had developed a system for the management of contractors for a large government department. Working with the consultant, an improved version of the system was developed for CCC. The objective was to overcome the problem of control of contractors', and other visitors', access to CCC premises following a review of incidents and procedural failures that sometimes, but not exclusively, were associated with mismanagement of ACMs in premises.

The system took its cue from the MHSWR, encompassing the requirements for:

- communication;
- co-operation;
- co-ordination;
- competence; and
- control.

Hence, it was dubbed "the 5-Cs system" and it was piloted and launched in parallel with the asbestos management programme. The 5-Cs system requires the identification of significant hazards at premises that would be of direct relevance to contractors, principally, and to other visitors. The hazards are identified in a Hazard Register held at the premises, with a copy held centrally. The hazards are identified locally but the corporate centre is able to assist with advice and validation. The decision was taken to link the Asbestos and Hazard Registers at premises level but they are not combined because they are very different documents. However, since asbestos may be the most significant hazard present in a premises, it meant that only one session of training was needed to raise managers' awareness about asbestos and explain how the 5-Cs system works – saving on the investment of time and effort in training delivery and managers' time out from their jobs. The Hazard Register, and where appropriate the Asbestos Register, is shown to visiting contractors who are required to sign the Register to:

- acknowledge that the hazards have been drawn to their attention;
- confirm that they will be taking the appropriate precautions; and
- agree that they will inform the site manager of any significant hazards that the contractor may be introducing to the site together with the control measures that will be adopted.

The outcome is that premises managers have welcomed both systems and responded positively to training. Initial scepticism by some has been turned to enthusiasm and commitment once they started to use them. They are seen as useful management tools that help to reduce risk. Local managerial control is improved, while dialogue is maintained with the corporate centre because of its role in maintaining the databases and providing expert advice.

By August 2003, CCC will have satisfied four of the five requirements of Regulation 4 CAWR. We are currently working on how to:

- manage asbestos materials left in place;
- ensure that the register is kept up-to-date; and
- monitor and review that the procedures in place are effective to meet the 21 May 2004 compliance date.

If anyone can offer useful experience in this respect, we would be glad to hear from them!

## References

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