

**Asbestos Liaison Group Minutes**

ALG/MIN/O2/2009

**Meeting date:** 3 November 2009**Open Gov. Status:** Fully Open**Type of paper:** Final**Paper File ref:****Exemptions:****Asbestos Liaison Group (ALG)**

Minutes of the 27th meeting of the Asbestos Liaison Group held on 3 November 2009 at NFDC Offices, Hemel Hempstead

**Present (HSE)**

Greg Haywood, Asbestos Licensing Unit,  
Rob Hirst, FOD Construction  
Helen Ratcliffe, HSE Asbestos Policy  
Colin Seditas, ALU  
Moira Gilfillan, ALU

**Apologies**

Paul Stollard, HSE  
Martin Gibson, HSE  
Gill Ross-Jones, Environment Agency,  
Rick Statham, NASC  
Grant Beglan, ARCA  
Rob Greenfield, BIFM

**TAs / TUs**

Peter Wilson, UCATT  
John Richards, RICS  
Karen Ashdown, LACORS  
Dave Simpson, ACAD  
Susan Murray, Unite  
David Stanley, UKATA  
David Couldridge, Royal Borough of Kensington  
Council  
Colette Willoughby, BOHS  
Howard Button, NFDC  
Jim Caldwell, NFDC  
Richard Morgan, GMB  
Steve Sadley, ARCA  
John O'Sullivan, ATAC

**Guests**

Michelle Aldous, Constructing Better Health  
Peter Hand, Constructing Better Health

Asbestos Liaison Group web pages are available at:  
<http://www.hse.gov.uk/aboutus/meetings/committees/alg/index.htm>

Item	
<b>1</b>	<b>Introductions and apologies, welcome, etc (Greg Haywood)</b>
<b>1.1</b>	Greg welcomed everyone to the meeting and thanked the NFDC for hosting the event at their Hemel Hempstead premises. Apologies and substitute attendees were noted, and are detailed above.
<b>2</b>	<b>Minutes of 26<sup>th</sup> meeting held on 21 May 2009 (Greg Haywood)</b>
<b>2.1</b>	The minutes of the meeting had been agreed and are available on the ALG page on HSE's website.
<b>3</b>	<b>Matters arising from the minutes</b>
	4.1 Duty to Manage - the word "Campaign" should be deleted from the record.  <b>Action: ALU to amend minutes</b>

	<p>5. Technical Sub Committee – Minimum age of asbestos workers. This is a complex issue involving a number of Regulations, and one to which there is no straightforward answer. It would appear that 16 would be the minimum age unless there are exceptional circumstances. Where the employee is under 18, the onus is on the employer to assess the capability of the young person to understand the nature of the risk. There was general agreement at the meeting that a minimum age of 18 would be most suitable for those working with asbestos. As this would be industry policy, rather than legislative, the trade associations (ARCA, ACAD, NFDC, NASC) should instruct their memberships.</p>
	<p>6.1 Leadership – Colin reported that he had attended the recent ARCA event on effective supervision in Cardiff. The event was well attended and had been a good opportunity to inform supervisors of requirements and for them to ask questions. Future events may include contract managers.</p>
	<p>6.2 Worker Involvement – ALG members had not added links to the guidance on worker involvement and consultation, but had publicised these through meetings and inclusion in emails.</p>
	<p>8 (a) BOHS membership. BOHS membership of the ALG was agreed - Colette Willoughby will represent BOHS.</p>
<b>4</b>	<b>Asbestos Policy Issues (Helen Ratcliffe)</b>
<b>4.1</b>	<p><u>Asbestos Campaign:</u> The Asbestos: Hidden Killer 2009 campaign started on 2 November and will run for 4 weeks. Real life case studies have been used and there will be direct mailing and online activity including a podcast. Newspapers will carry full page advertisements and a number of media interviews have been carried out.</p> <p><u>Duty to Manage:</u> Evaluation is continuing. There are to be 2 supplementary data collection exercises which will be evaluated when time permits. A further campaign on Duty to Manage will be run in 2010 and will target dutyholders.</p> <p><u>Statistics:</u> The number of people estimated to be suffering from work-related ill health fell by 79,000 in the last year, but asbestos related diseases are increasing.</p> <p><u>Early Day Motion Debate in House of Commons</u> led to debate on UCATT report on social housing. Policy Unit had been involved in putting together papers for Ministers and some useful contacts had been made.</p> <p><u>Asbestos in Schools:</u> There had been meetings with various organisations and HSE's relevant sector. Some schools have now been targeted for visits re Duty to Manage.</p> <p><u>PQs:</u> A number of Parliamentary Questions on record keeping have been dealt with.</p> <p><u>REACH:</u> Legal opinion is that current exemption certificates are still valid. New exemptions will replace old ones in due course, but companies will have to justify retention, each will be assessed.</p> <p><u>European Commission:</u> Ongoing debate about friable/non friable materials. This is a time consuming subject for the unit which is extremely busy already.</p> <p><u>Survey Guide:</u> The final draft is being considered now, and publication is expected in January 2010.</p> <p style="text-align: center;"><b>Post Meeting Note: Publication date for the Survey Guide is now 31 January 2010.</b></p> <p><u>Daily Telegraph Reports:</u> A letter of response to the recent Daily Telegraph article has been posted on HSE's website <a href="http://www.hse.gov.uk/press/record/tel231009.htm">http://www.hse.gov.uk/press/record/tel231009.htm</a>. The Advertising Standards Authority upheld a complaint on the figures quoted in the first Asbestos: Hidden Killer Campaign and these statistics have been amended slightly. HSE are still going through an appeals process.</p>

<p><b>5.</b></p>	<p><b>Technical Sub Committee Update</b></p> <p>The Technical Sub Committee had considered guidance on signage on DCUs with a view to clarifying guidance on signage, as existing guidance only provides minimum standards. A paper had been produced and comments are requested. Further meetings of the Technical Sub Committee may be arranged to discuss this further.</p> <p style="text-align: right;"><b>Action: Technical Sub Committee to provide details to all members for comment.</b></p>
<p><b>6</b></p>	<p><b>ALG Workplan (Greg Haywood)</b></p>
<p><b>6.1</b></p>	<p><b>Leadership</b></p> <p>ARCA are continuing discussions on the proposed Institute of Asbestos Management. The Institute would introduce professional standards for members. It was agreed that a sub group to take this proposal forward was needed – John Richards, Steve Sadley, Howard Button, Colette Willoughby and Peter Austin agreed to form this group with Greg representing HSE. The group would consider criteria for membership amongst other things.</p> <p><i>Amended workplan implementation date September 2010</i></p> <p style="text-align: right;"><b>Action: Steve Sadley to set up IAM sub group</b></p>
<p><b>6.2</b></p>	<p><b>Worker Involvement</b></p> <p>Greg asked if any group members were aware of good examples of worker involvement. Examples should be fed back to either Greg or a local HSE Inspector</p> <p style="text-align: right;"><b>Action: All to consider good examples of worker involvement and feed these back to HSE or ALU</b></p> <p>Database for registered asbestos workers: Introducing smart cards with a chip which could include worker registration scheme. Cards can be checked against database. Scheme should be in place by April 2010 and the workplan needs to be updated to reflect this.</p> <p style="text-align: right;"><b>Action: Amended workplan implementation date April 2010</b></p>
<p><b>6.3</b></p>	<p><b>Competence and Training</b></p> <p>UKATA are working on a competency assessment scheme with emphasis on practical training, no date for completion yet. There appears to be varying standards between different training providers and Greg advised that any issues regarding standards of training should be raised with local HSE offices.</p> <p>NFDC described the current VQ's available. They supported the move towards use of CSCS cards and eventually the smartcard with the long term intention of having a fully carded workforce.</p> <p>ALU explained that asbestos licences had normally been issued for 1 year or 3 years. ALU are now encouraging assessing inspectors to use their judgements and recommend licence durations for any period up to a maximum of 3 years, as specified in Regulation 8 (3)(a). ALU are also working towards publicising guidance on how to appoint competent contractors.</p> <p>TICA are developing NVQ assessors and have involved companies in the pilot scheme.</p> <p>ARCA stated that funding is an issue for their members as the “train to gain” money is no longer</p>

	<p>available to pay for NVQs .</p> <p>Greg stated that irrespective of the availability of external funding, licence holders would be expected to be able to demonstrate competent works, supervisors and managers. This would normally be by way of a CSCS card, awarded on the basis of competency assessments for a VQ. This would also be part of the training needs analysis required for refresher training.</p> <p>ALU drew attention to a paper produced by Stewart Campbell, ex-HSE Director Scotland as the UK contribution to a European Union document on training. A draft paper will be out for consultation soon.</p> <p style="text-align: right;"><b>Action: Workplan to be amended to reflect slippage in target dates.</b> <i>Amended workplan implementation date: scheme implanted during 2010 with full adoption of CSCS cards in 2011</i></p>
6.4	<p><b>Occupational Health Provision</b></p> <p>Michelle Aldous of Constructing Better Health outlined the national scheme for Occupational Health in Construction, which includes competence and risk management in the industry. A national database was launched last week and includes training in occupational health. There have been some issues with use of the smart card and the launch date has been put back to January 2010, although this may be delayed further. The CBH Card is now available and the website will go live in December. A marketing campaign will be launched soon. CBH are looking into providing a list of HSE Appointed Doctors on the CBH website.</p> <p>ARCA mentioned that OH medicals were not covered at the asbestos licence assessment visit, and ALU agreed to make ALPIs aware that this should be mentioned at assessments.</p> <p style="text-align: right;"><b>Action: ALU to update ALPI's on mentioning OH Medicals at licence assessments.</b> <i>Amended workplan implementation date December 2010</i></p>
6.5	<p><b>Client Actions</b></p> <p>Guidance on competency assessments to be used in tendering process for licensed asbestos work is being produced by RICS &amp; BIFM. Roadshows are now completed. Target date on workplan needs to be changed to end of 2010.</p> <p style="text-align: right;"><b>Action: ALU to amend workplan target date to end of 2010.</b></p>
6.6	<p><b>HSE/LA Co-operation</b></p> <p>HSE/LA training course is going ahead in January 2010. Consideration being given to requests for further training in licensed asbestos work for EHOs, if funding available.</p> <p>David Couldridge has arranged two training courses in December 2009 and February 2010. Courses will cover examples of management plans and examples of DCU's and protective clothing. HSE are involved in delivery of the courses.</p> <p>David also drew attention to the recent successful prosecution of an analyst who had produced falsified certificates. He was fined £5000 with costs, and his accreditation has been suspended</p> <p><i>Amended workplan implementation date 2009 onwards</i></p>

6.7	<p><b>Analysts</b></p> <p>ATAC reported that they are working to improve standards for site clearance certification following reports that up to 80% of assessments fail first time, and a recent HSL audit which showed that 12 out of 20 sites audited following clearance, failed. New draft guidelines have been produced to rectify this. ATAC would like to link the proposed new Certificate of Re-occupation with the unique HSE notification number. Greg explained that notification is a legal requirement on the licence holder, however the analyst should be employed by the building owner or occupier so this would not be possible. A final draft of the discussion document should be available by January 2010. David Couldridge asked that references to HSE in the paper should read Enforcing Authority as LA's are included. ATAC are also discussing training requirements with HSE. He also commented that video clips could be incorporated into the report – he will send these comments to ATAC separately.</p>
6.8	<p><b>Duty to Manage</b></p> <p>Action ongoing to improve minimum training requirements for professional bodies/TUs working in buildings.</p>
7.	<p><b>ALU Update</b></p> <p>Recent ALG memos have been issued on Verification of Training (ALG Memo 03/09) and Supervision of Licensed Asbestos Work (ALG Memo 04/09) and are available on the asbestos pages of HSE website.</p> <p>ALU have been involved in refresher training over the last few months, for HSE Inspectors who work with asbestos, as training is mandatory every 2 years.</p> <p>On Licensing – there have been a large number of refusals, 28 this year. Revocation proceedings started for 8 licence holders, resulting in 4 returned licences, 1 expired, 1 ongoing, 1 had gone to the licence review board and a further 1 due to go to the licence review board.</p> <p>Because of the need to charge full economic costs, including the cost of visits, the Asbestos Licence Fee is due to increase in April 2010 to around £3,236 for assessment, Also from April, there will be a minimum of 1 visit per year to each licence holder.</p>
8	<p><b>Any Other Business</b></p> <p>APS: A request had been received from the Association of Project Safety (APS) to join the Asbestos Liaison Group. This was discussed and as no objections were put forward it was agreed that APS might play a useful role and therefore should be accepted as members. Greg reminded everyone that only 1 representative from each organisation should attend meetings to try to keep the group to a manageable size.</p> <p style="text-align: center;"><b>Action: ALU to invite APS to next meeting</b></p> <p>Clarification was requested on whether HSG 189/2 and Asbestos Essentials were still current. Greg confirmed that the new non licensed work guide which is being drafted at present will replace HSG189/2 and also the introduction to Asbestos Essentials. The Task Sheets from Asbestos Essentials will remain in use as stand alone documents and will be added to as new task sheets are produced. He agreed to find out if a date for the first draft had been set.</p> <p style="text-align: center;"><b>Action: ALU to confirm date of draft publication of new non-licensed work guide</b></p> <p>Some unlicensed employment agencies have been written to after advertising for asbestos removal workers. Full details are available in the press release issued by the Department for Business Innovation and Skills and this would be circulated to ALG members</p> <p style="text-align: center;"><b>Action: ALU to circulate press release and post on</b></p>

	<b>community site</b>
<b>9</b>	<b>Date, time, location of next meetings</b>
<b>9.1</b>	<p>The date of the next meeting will be Thursday 21 January 2010 at ARCA, Burton upon Trent and the following meeting is proposed for Wednesday 26 May 2010 at HSE, Edinburgh.</p> <p style="text-align: right;"><b>Action: ALU to confirm date of May meeting</b></p>