

**Asbestos Licensing Unit (ALU)**  
**Asbestos Liaison Group (ALG)**  
**ALG Memo 04/08**

*ALG memos are produced by the ALG to provide information and guidance to the asbestos industry and other interested stakeholders.*

**Date: 6 May 2008**

**Subject: Asbestos licensed scaffolders**

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- 1) **This memo modifies the previous version (ALG memo 04/07), which should now be destroyed. This revision has been produced to include reference to paragraph 90(a) of the Approved Code of Practice with regard to scaffolding work. Further detail can be found in the Control of Asbestos Regulations 2006 (CAR) and the Approved Code of Practice, “Work with materials containing asbestos” (L143).**
- 2) Many requirements of CAR may apply to scaffolding work, even where a licence is not required. In particular, un-licensed scaffolders are likely to require asbestos awareness training (as a minimum) as they are likely to encounter asbestos while carrying out their normal everyday work. It is also important to note that the client would always need to comply with the duty to manage asbestos in their premises (Regulation 4).
- 3) Regulation 2 states that ‘work with asbestos’ includes work which is ancillary to the removal, repair or disturbance of asbestos or asbestos materials containing asbestos. Work with asbestos requires a licence issued by the ALU, unless one of the exemptions in Regulation 3(2) applies. Regulation 3(2) states that regulations 8 (licensing), 9 (notifications of work with asbestos), 15(1) (arrangements to deal with accidents, incidents and emergencies) and 22 (health records and medical surveillance) shall **not** apply where:
  - a) the exposure of employees to asbestos fibres is sporadic and of low intensity;
  - b) it is clear from the risk assessment that the exposure of any employee to asbestos will not exceed the control limit; and
  - c) the work involves:
    - i) short, non-continuous maintenance activities,
    - ii) removal of materials in which the asbestos fibres are firmly linked in a matrix,
    - iii) encapsulation or sealing of asbestos-containing materials which are in good condition, or
    - iv) air monitoring and control, and the collection and analysis of samples to find out if a specific material contains asbestos.
- 4) Short non-continuous maintenance activities may include ancillary activities, such as scaffolding.
- 5) The term “ancillary work with asbestos” is qualified in the Approved Code of Practice. With respect to scaffolding work, paragraph 90(b) is of particular interest. However, it is possible that paragraph 90(a) may also apply in some situations. 90(a) states that a licence is required when “setting up and taking down enclosures” used for licensed asbestos work. Scaffolding will be deemed to form part of an enclosure where it is integral to the structure of the enclosure itself and its prime function i.e. preventing

spread. Further detail on enclosures can be found in Chapter 6 of “The Licensed Contractors’ Guide” (HSG247).

**EXAMPLE 1**

A self-contained enclosure is constructed on a scaffolding platform using timber and polythene. The scaffold itself does NOT form part of the enclosure; it forms an access platform allowing the enclosure to be constructed. A licence will not be required for the construction and dismantling of the scaffold unless the work is “**liable to disturb asbestos**”, as described in the following guidance.

**EXAMPLE 2**

The scaffold is erected around a large structure. The scaffolding is ‘skinned’ with polythene sheeting to prevent the spread of asbestos during the work. It therefore forms part of the structure of the enclosure. A licence **IS** required for the construction and dismantling of this scaffold.

- 6) Where scaffolding is provided as access for licensed asbestos work, the situation needs to be assessed with regard to likely exposure. ACOF paragraph 90(b) states that a licence for ancillary work will be required for putting up and taking down scaffolding, including any scaffolding frame, to provide access for licensable work “**where it is foreseeable that the scaffolding activity is likely to disturb the asbestos**”. The following guidance clarifies what this will mean in practice.
- 7) When deciding whether or not a licence is required, it is difficult to be prescriptive and the decision will ultimately be based on a reasonable and sensible assessment of each individual case. The flow chart, attached at Annex 1, may be of assistance.
- 8) The contractor will need to establish whether or not he plans to “work with asbestos”. It is ALU’s view that the provision of access scaffolding in the vicinity of asbestos that is in good condition is not likely to constitute work with asbestos. In such situations, it is not likely that competent scaffolders will disturb asbestos. Though the work would not require a licence, employees would still require appropriate awareness training (as a minimum) and risk assessments and safe working procedures should ensure that practical steps are taken to reduce the likelihood of disturbing asbestos. For example, such measures may include the use of shorter tube lengths in some circumstances.
- 9) The risk assessment will help determine appropriate working methods. In order to be considered “suitable and sufficient”, a risk assessment should incorporate information provided by the client (as

Access for licensed work - examples (for illustration only):

- a) An access scaffold is required, in order to provide the licensed removal contractor with access to AIB ceiling tiles. The AIB tiles are in good condition. **The scaffolding contractor does NOT require a licence. ✘**
- b) Access scaffolding is required, in this case to provide access to pipe work for a lagging removal job. The pipe lagging is in good condition. **A licence is NOT required. ✘**
- c) A scaffold is required as part of an environmental clean. The asbestos containing materials are in poor condition: there is debris, such as broken AIB tiles in the work area. **A licence IS required. ✔**
- d) Scaffolding is required for a licensed removal job in a boiler house. The design of the scaffold is complex, it is a very restricted space and work will be in very close proximity to ACMs. **A licence IS required. ✔**
- e) Scaffolding is required in a live asbestos enclosure. **A licence IS required. ✔**

part of their arrangements for managing asbestos on site) and licensed removal contractors.

- 10) Scaffolding work in the vicinity of materials in poor condition, in contaminated environments or within 'live' asbestos enclosures is likely to fall within the definition of ancillary work with asbestos and a licence would be required, subject to the exemptions in Regulation 3(2).
- 11) All "scaffolding" licences contain an additional condition restricting the holder to undertaking scaffolding associated activities in line with their competence, the wording of which is as follows:
  - a) 'This licence shall only apply to putting up and taking down scaffolding, including any scaffolded frame, which provides access for licensable work, where it is foreseeable that the scaffolding activity is likely to disturb the asbestos'.
- 12) A "scaffolding" licence enables the holder to work with asbestos to provide access for licensable work. As the asbestos will not have been wetted at this point, the potential for the release of fibres is high. The presumption is therefore that exposure is likely to be significant and full precautions will need to be taken. This will include full face RPE (including TM3 power assisted respirators with full face masks and P3 filter) as well as other half masks, PPE (type 5 category 3 coveralls (BS EN ISO13982-1:2004) and decontamination units.
- 13) The following items need to be included in asbestos training of licensed scaffolders:
  - a) Provision of RPE (as detailed in paragraph 12) with a quantitative face fit test for full face masks and a qualitative face fit test for half masks;
  - b) Training in the hazards of asbestos and asbestos related diseases;
  - c) How to wear, inspect, maintain and store RPE;
  - d) Practical training in full decontamination procedures (Chapter 4 of the Licensed Contractors' Guide, Modules 24 and 25 refer);
  - e) How to wear disposable overalls and to take them off without exposing others to asbestos dust;
  - f) Emergency procedures;
  - g) Some guidance on how the asbestos removers will build the enclosures;
  - h) Ensuring that a fully operational decontamination unit is in place before any such scaffolding work commences.
- 14) All licence holders are required to ensure that each employee who is exposed to asbestos is under adequate medical surveillance and a health record is maintained for each of these employees. This includes scaffolding licence holders.
- 15) Scaffolding licences all contain the standard condition requiring them to give at least 14 days prior notification before they start work. This notification is separate and independent to the notification required of the asbestos removal contractor.

## **Asbestos Liaison Group**

## Annex 1

