

Minutes of the Twelfth Meeting of the Asbestos Liaison Group, held on 20 May 2004, Conference Room, Belford House, Edinburgh

Present

HSE

Anne Wilson, Chair, Head of Health Unit
Trevor Johnson, Head of ALU
June Cairns, ALU
Liz Standen, ALU
Martin Gibson, Scotland Specialist Group
Ray Cooke, FOD, Birmingham
Robbert Hermanns, Scotland Specialist Group
Andy Phillips, CSD3A

TAs/TUs

Mike Keeligan, ACAD
Mike Wilkes, ACAD
Jean Prentice, ACAD
Terry Jago, ARCA
Grant Beglan, ARCA
Rob Blackburn, ATaC
Susan Murray, TGWU
Neil Moore, GMB

1 Introductions, apologies, welcome etc

1.1 Ms Wilson welcomed everyone to the meeting and introduced Trevor Johnson, the new Head of the Asbestos Licensing Unit, Andy Phillips from HSE's Central Specialist Division, and Susan Murray from TGWU. She tendered apologies on behalf of Bill Macdonald, HSE, Kim Sunley, GMB and John Wring, NFDC. On behalf of the Group, she extended thanks to Jim Skilling, HSE, who had transferred to Construction Division, to Ray Cooke who would soon be stepping down as resident ALPI and would be replaced by Mike Williams the ALPI from London later in the year, to Neil Moore, GMB who would be retiring in August, and to Leonie Wingrove, TGWU for their contributions to the Group over the years.

Post meeting note: John Wring has stepped down from the ALG. NFDC will inform HSE of his replacement in due course.

2 Minutes of the meeting held on 15 January 2004

2.1 The minutes were agreed subject to an amendment to Annex 1, paragraph 12 viz that the Worker Safety Advisor pilot involved UCATT, TGWU and the Federation of Master Builders – and not GMB as previously stated.

Post meeting note – the minutes have now been amended and the final version will be posted to the asbestos topic pages on the HSE website.

3 Matters arising

3.1 **(3.1 – Protimeter devices)** Dr Gibson reported that since the last meeting HSL had now revised the report on the usefulness of these devices and it was now more user friendly. He hoped that the final version of the report would be available by the end of June.

Action: ongoing - Dr Gibson

3.2 **(3.2 – type 5 coveralls)** The forthcoming Licensed Contractors Guide would quote Type 5 as the standard for disposable coveralls. But there was still an issue about whether a further sub classification (Type 5, category 3) was required as proposed by Mr Beglan. As HSE were uncertain about the need for this further specification, it was agreed that Dr Phillips, Mr Johnson and Mr Beglan would consider the issue further. A range of coveralls, mainly Type 5 standard, which might assist in the process, had been supplied by Mr Beglan.

Action: Mr Johnson/Dr Phillips/Mr Beglan

3.3 **(3.3 – soffits guidance)** discussion on this was remitted to substantive agenda item 6.2.

Item: discharged

3.4 **(3.6 – asbestos waste packaging items)** Mrs Standen reported that work was still continuing on this to resolve the problem of conflicting legislation in relation to allowing wrap and cut asbestos waste to be regarded as an approved package.

Action: ongoing - Mrs Standen

3.5 **(4- ALU issues – relevance of ALG)** discussion on this was remitted to substantive agenda item 4

Item discharged

3.6 **(5.3 – review of guidance)** Mrs Standen thanked members for their comments on the draft ALG memo, which had now been issued as ALG Memo 2/04 “Use of asbestos removal equipment in potentially explosive or flammable environments”.

Item discharged

3.7 **(7.4 – 4-stage clearance and certificate of reoccupation)** Dr Gibson confirmed that in order to clarify the position he intended producing a table for inclusion in the forthcoming guidance. This would explain when all 4 stages of the clearance procedure were appropriate (for either internal or external, licensable or non licensable work) and which aspects of the certificate of reoccupation were relevant.

Item discharged

4 Asbestos Liaison Group – moving forward

4.1 Mr Johnson reminded the Group of the information presented by his predecessor at the January ALG meeting. From his analysis of the performance of the industry, Mr Johnson was convinced that ALG was certainly relevant, but that it needed to become more proactive and forward looking, and would benefit from having its own plan of work. He introduced the paper already circulated to members (appended to the minutes), which was compiled following a meeting of the ALG subgroup. In particular he sought comments on the suggested aims of ALG, which he felt needed to be the aim for the industry as a whole, the proposals for ALG’s refocused role, and the suggested issues that had been identified as potential priorities for the Group to consider and which were contained in the table.

4.2 Following discussion, it was agreed that the aim of the ALG as drafted should actually be the aim of the industry as a whole, since it was for the industry – not ALG – to lead the way. It was agreed that ALG’s role should be to act as the “secretariat” to support and drive things forward within the industry, which should take the lead.

It was suggested that the proposed aims for the asbestos licensing industry might be expressed as follows:

- to prevent any new cases of asbestos related disease arising out of work with asbestos by achieving exemplary standards within the asbestos removal industry, acknowledging that the legal standard is a minimum and not an aspirational standard; and
- to ensure work is carried out by competent and well-motivated personnel.

4.3 With regard to the table of contents contained in the paper, there was lively discussion about other issues that could be included eg introduction of an accreditation system for asbestos removal contractors rather than the current licensing regime; more user friendly guidance for asbestos removal operatives in the style of the Essential Health and Safety Toolkit for construction workers; ways to reach contractors who were not members of Trade Associations, as the industry was wider than just ALG, etc.

4.4 Ms Wilson suggested that rather than use the Securing Health Together Themes “compliance, continuous improvement, skills, knowledge/intelligence and communications” in the table, that these headings might be better recast along the lines of “basic standards; aspirational issues; competence; and support mechanisms”. She acknowledged that a number of the issues identified in the table would be applicable under several of the column headings and asked members to consider the contents of the table and provide comments and additional items, including those that had been raised.

4.5 In order to reach the whole industry (not just the licensed contractors represented by Trade Associations) Ms Wilson asked members to consider whether ALG would support the launch of “aspirational” type event(s) for chief executives, or employees, or a mix of both in the industry to get them to acknowledge the need for cultural change and to gain their commitment to promoting and achieving far better standards of performance across the industry.

Action: Members were asked to respond to Ms Cairns by **30 June 2004** with their comments on:

- (i) The proposed revised aim of the industry (as above);
- (ii) The contents of the table contained in the annex to the paper;
- (iii) Other (better) ways of communicating on technical issues, rather than through the main ALG;
- (iv) the proposals/support for “aspirational” event(s) to engage the industry

Action: All by 30 June

4.6 Success criteria – At Ms Wilson’s request, Mr Blackburn agreed to consider the measures that might be included as our baseline position, so that we would be able to evaluate the success of the initiative in due course.

Action: Mr Blackburn

4.7 On receipt of comments, Ms Cairns would revise the paper and arrange a further meeting of the sub group to progress matters before the next ALG meeting.

Action: Ms Cairns

5 ALU Update

5.1 Statistical Outturn for 2003/04

5.1.1 Ms Cairns referred to ALG Memo 3/04, previously circulated which summarised key data on FOD's asbestos and licensing activities during 2003/04. This would be available shortly on HSE's website.

5.2 FOD Workplan for asbestos licensing work in 2004/05

5.2.1 Ms Cairns circulated the plan of work for next year. She explained that nationally HSE were no longer required to base outcomes on the number of inspection visits paid. This meant that for asbestos, the targets no longer included the number of site visits undertaken but instead concentrated on the percentage of target category licence contractors visited.

5.2.2 Mr Jago expressed his concern about the number of visits undertaken in 2003/04 and his desire for HSE to do more visits. He asked whether there was likely to be any more resource for Construction Division. This led to a discussion about the purpose of inspection - whether it was the threat of being inspected that led to compliance or whether it was viewed as site verification of the management standards and systems that had been "passed" at the licence assessment. Ms Wilson pointed out that it could be argued that it was more appropriate to visit a higher percentage of licensed contractors rather than more visits overall and remarked that over the last year 42% of different licence holders had been visited. She confirmed that progress with the workplan would be monitored and that if it became apparent that additional resources were required, then this would be flagged up.

5.3 FOD Workplan for duty to manage 2004/05

5.3.1 Mrs Standen reported that awareness raising activities would be ongoing and that head office visits to major property portfolio holders would continue in 2004/05. She also mentioned that new briefing and inspection packs were available, including updated enforcement guidance and that HSE would be concentrating its efforts on occupied commercial premises, with particular emphasis on the education sector.

5.4 Publicly Available Specification

5.4.1 Ms Cairns reported that Bob Daunton, who had inherited this work from Martin Stear, was HSE's representative on all three of the panels (wet injection equipment; negative pressure units; and use maintenance and cleaning of type H vacuum cleaners) and had reported that the work for all three was on track and was scheduled to be completed on time, ie by the end of the calendar year. Mr Jago asked that all the standards should incorporate a maintenance regime and the need for training in the use of the equipment. Ms Cairns agreed to pass these comments on to Mr Daunton.

Action Ms Cairns

Post meeting note: Comments have been passed to Mr Daunton, who will contact Mr Jago direct.

6 Review of Guidance

6.1 Licensed Contractors Guide and Analysts Guide

6.1.1 Dr Gibson, who had inherited this work when Martin Stear left HSE, explained that in order to fit in with UK Accreditation Service's timetable for accreditation of the 4-stage clearance process, he had concentrated on the Analyst's Guide first. This would be completed in June. Work on the Licensed Contractors guide would follow, the aim being for the final version to be ready by July. Thereafter HSE's publications section would require approximately 3 months to produce the printed versions. As both publications would be launched at the same time, the likely publication date would therefore be around very late summer/autumn 2004. He confirmed that the publications would not be available in loose-leaf format.

6.2 Soffits Guidance

6.2.1 Dr Gibson reported that following consultation within HSE, he had revised the paper and circulated it to the Home Improvement Companies (HICs) WG in March, for their comments. The same version of the draft guidance had been sent to ALG members. The comments received from the HICs WG had been very negative as they now viewed the guidance as being overly restrictive and as having gone beyond its original remit.

6.2.2 The general view from external ALG members was that the draft guidance diluted established standards. Dr Gibson acknowledged the concerns but pointed out that controls needed to be proportionate to the risk and the evidence was that low exposure resulted from work done outdoors on asbestos insulating board soffits and that it was not reasonably practicable to have full (traditional) enclosures.

6.2.3 Members were asked to send Dr Gibson details of any evidence of high exposures they were aware of and were invited to submit their comments in writing to him by **11 June 2004**.

Action: TAs/TUs

7 Trade Association Issues

7.1 Landfill Directive

7.1.1 Mr Jago advised the meeting that as a result of the Landfill Directive (1999/31/EC), which takes effect on 16 July 2004, the number of landfill sites taking asbestos waste would reduce. The effect would mean increased prices for asbestos removal work.

7.1.2 (As a post meeting note), Mrs Standen has confirmed that the Landfill Directive will restrict the number of sites in the UK that will take hazardous waste. However, because ACMs were considered 'stable and inert' they could be stored at non-hazardous sites in separate cells (to avoid contact with biodegradable wastes). At this stage, it is not known how many sites will have these facilities. The sites may also charge more to store such waste in a lined cell. A list of the 13 hazardous sites currently licensed or soon to be licensed, all of which are in England is appended to the minutes. Mrs Standen has undertaken to keep members informed when she has

more information about the storage of asbestos at non-hazardous sites. Updates are available from the EA website: <http://www.environment-agency.gov.uk/netregs>

7.2 Retention of ASB5s

7.2.1 In response to Mr Jago's question about how long ASB5s should be retained, Ms Cairns said there was no statutory requirement to retain them but that it would be prudent to retain all the information relating to specific jobs, at least until the licence assessment interview. She said that in HSE if no site visit was made, then ASB5s were retained for 3 months after completion of the job. If site visits were made, then depending on the action taken on site, the forms were retained for longer. However, although the actual ASB5 might not be available, HSE were able to obtain details from their national asbestos notification database.

8 Any other business

8.1 **Analysts** - on Mrs Standen's behalf, Ms Wilson raised a number of concerns highlighted by inspectors concerning analysts viz that they: - allegedly don't decontaminate themselves following site visits; don't use brushes to disturb dust as part of stage 3 of the clearance procedure and that they apparently do not undergo any practical training. Whilst some of this would be addressed in the forthcoming Analysts Guide, the issue would be dealt with in more detail at the next meeting.

Action: Mrs Standen

9 Date, time, location of next meeting

9.1 The next meeting will take place on Thursday 23 September 2004, in the Fortune Room, Rose Court.

Annex 1

The Asbestos Liaison Group – moving forward - Draft Version 2 ***[Paper revised slightly following 20.5.04 ALG Meeting]***

Introduction

1 At the eleventh meeting of the Asbestos Liaison Group (ALG) in January 2004, the then Head of the Asbestos Licensing Unit (ALU) – Jim Skilling, raised the question as to whether the ALG had any relevance. This question followed ALU's concerns about the standards within the industry. Following a lively discussion it was agreed that a small sub-group would be set up to develop a paper to put to the next meeting. This paper follows a meeting of that sub-group, which was attended by Grant Beglan (ARCA), Kim Sunley (GMB), June Cairns and Trevor Johnson (both ALU).

2 The basis to the original question was that statistics suggested that there was frequent non-compliance with the legal requirements placed upon the industry. It could be summarised that some saw compliance at best aspirational, yet in order to ensure a reduction in ill health, compliance should be the minimum acceptable standard. In order to ensure that such a step change took place then HSE had to work in partnership with the industry.

Aims of the industry

3 The sub-group believed that there was a need to define the occupational health aim of the industry. This was felt to be important in order to provide a sense of direction for the ALG. This would then facilitate the development of plan of work for the ALG that could then have a positive affect on the industry. **A suggested aim for the industry is:**

“To prevent any new cases of asbestos related disease arising out of work with asbestos by achieving exemplary standards within the asbestos removal industry and ensuring work is carried out by competent and well motivated personnel.”

[Revised suggested industry aim following 20.5.04 ALG meeting:

- ***to prevent any new cases of asbestos related disease arising out of work with asbestos by achieving exemplary standards within the asbestos removal industry, acknowledging that the legal standard is a minimum and not an aspirational standard; and***
- ***to ensure work is carried out by competent and well-motivated personnel.]***

[Alternative suggestion proposed as a result of comments received following the meeting:

- ***to ensure that all licensed ACM work is managed effectively, using legal standards as a minimum, in order to achieve compliance with industry best practice on at least 80% of licensed jobs visited by the enforcing authorities and thereby reduce the future incidence of asbestos related disease; and***
- ***to achieve the compliance target by xxxx (set a timescale)***

4 It should be emphasised that the belief is that this has to be the aim of the industry as a whole, because failure by some within the industry to achieve this will undermine the industry as a whole.

Structure of the ALG

5 The overriding aim of the ALG should be as a leader for the industry to achieve the agreed aims. Therefore, the ALG needs to be proactive in developing realistic objectives for the short, medium and longer term. This would benefit from the development of an action plan for the ALG, and consequently a move from the perception that it is a technical committee. It was suggested that any action plan should be consistent with the themes within the "Securing Health Together Campaign". These are: compliance, continuous improvement, skills, knowledge/intelligence, communications and support.

6 This would then lend itself to the formation of smaller sub-groups being allocated the development of the above themes, and these sub-groups being overseen by the ALG. The ALG is therefore asked to agree to its refocused role and revise the Terms of Reference. That is the ALG role would be to have a strategic overview; agree priorities and plan of work; agree how the prioritised work will be taken forward (via sub groups) and timescales.

Outcome of the sub-group meeting

7 The thoughts of the subgroup are captured in Table 1, which has made a first attempt at allocating the topics to the relevant themes. ***[Suggested changed Headings following 20.5.04 ALG meeting]***

Recommendations

1. To consider the proposed aim of the industry and to agree an acceptable form of wording.
2. To agree on its refocused role as described above.
3. To consider Table 1 and to agree suitable priorities.

ALG Sub Group
7 May 2004 ***[amended July 2004]***

Compliance [or Basic standards issues]	Continuous improvement [or Aspirational issues]	Skills [or Competence issues]	Knowledge/intelligence [or Competence issues]	Communications [or Support issues]
1 Enforcing Authorities to approve Method Statement prior to work commencing (eg Belgium)	9 Developing role/influence of Trade Associations – pre membership HO audits; membership criteria; site audit schemes; standards committee	13 Training Providers forum (cf 10)	19 Better intelligence -- eg whistleblowers line (cf 12)	21 Develop website/ web communities/e: registration tool
2 3 rd party monitor the work (eg Supervisory Licence Holder/consultant/ auditor)	10 Create ALG sub groups for technical/training/compliance/communications (inc intelligence) issues	14 Refocus content of management training (eg ARCA course)	20 Better targeting of contractors - improved IT – ALU/COIN*/ANS* * HSE computer systems	22 Influencing directors – changing standards from within companies
3 More inspector visits – esp Local Authority Environmental Health Officers	11 Develop user friendly employee handbook rather than usual “heavy” HSE publications	15 Develop better client training		23 Getting message across to clients (need for planning/take time/costs)
4 National HSE asbestos inspection team	12 Worker safety advisors - improved consultation and worker involvement/ empowerment to challenge employer’s bad practices (cf 19). Improved access to specialist advice for employers/employees	16 Registration scheme for asbestos workers		24 Involvement of insurance industry???
5 Elimination of uncontrolled dry stripping		17 Accredited/ licence Training Providers		

Compliance <i>[or Basic standards issues]</i>	Continuous improvement <i>[or Aspirational issues]</i>	Skills <i>[or Competence issues]</i>	Knowledge/intelligence <i>[or Competence issues]</i>	Communications <i>[or Support issues]</i>
6 New licence holders – treat as “ probationers” approach		18 Impact on EC Asbestos Worker Protection directive on training		
7 Tougher penalties - eg penalty point system – 3 strikes and out/ licence suspension/easier revocation				
8 Impact of Asbestos Worker Protection directive/Asbestos (Licensing) Regulations review – deregulation? Eg soffits; artex				

Merchant Landfills for Hazardous Waste (20 April 2004)

	Site Name	Operator	Location	EA Region	EA Area	SPG	Range of Hazardous Wastes	Permit Status
1	Earlswick Hall	Brock plc	Crewe, Cheshire	North West	South	W	Contaminated soils	To be determined
2	ICI no. 3	Impetus Waste Management.	Teeside	North East	Dales	W	Wide range of hazardous wastes	To be determined
3	Whitemoss	J. Routledge and Sons	Skelmersdale, Lancs.	North West	Central	W	Wide range of hazardous waste	To be determined
4	Port Clarence	Zero Waste	Teeside, Stockton on Tees	North East	Dales	W	Wide range of hazardous wastes	Permit Issued
5	Winterton South	Integrated Waste Management Ltd	Winterton, North Lincs.	Anglian	Northern	N	Wide range of hazardous wastes	To be determined
6	Meece 2	Biffa	Stone, Staffs.	Midlands	Upper Trent	N	Limited range of 'Chapter 19' Haz wastes: 19 01 05*, 19 01 07*, 19 01 10*, 19 01 13*, 19 01 15*	To be determined
7	Warboys	Fenside Waste Management	Huntingdon, Cambs.	Anglian	Central	N	Wide range but slightly narrower range and lower quantities than existing WML allows	To be determined
8	Wingmoor Farm	Grundon	Cheltenham, Glos.	Midlands	Lower Severn	B	Wide range of hazardous waste. Generally higher inputs of HW than previously licensed	To be determined
9	Southwood Landfill	Southwood Waste Management	Shepton Mallett, Somerset	South West	North Wessex	B	Asbestos only. Quantity is same as current WML	Permit Issued
10	Pinden Quarry	Pinden Plant	Dartford, Kent	Southern	Kent	B	Asbestos only. Quantity is same as current WML	Permit Issued
11	Purton Brickworks	Hills Minerals and Waste Ltd	Swindon, Wilts	Thames	West	B	Range includes contaminated soils, filter cakes, packaging	Permit Issued
12	Slip Claycliffe, Kingscliffe	Atlantic Waste Services	Kingscliffe	Anglian	Northern	Area	Wide range of wastes	Permit Issued
13	Winsford Rock Salt Mine	Minosus	Winsford, Cheshire	North West	South		Range of inorganic, non-flammable waste currently in negotiation with Agency over detail of waste types	Planning issues to be resolved

SPGs KEY N: Nottingham W: Warrington B: Bristol

In-House Landfills for Hazardous Waste (20 April 04)

	Site Name	Operator	Location	EA Region	EA Area	SPG	Range of Hazardous Wastes	Permit Status
1	Bradley Park Landfill	Syngenta	Huddersfield, West Yorkshire	North East	Ridings	N	Wide range of wastes	To be determined
2	Grange Top Quarry	Castle Cement	Ketton, Nr Stamford	Anglian	North	N	Haz (Cement Kiln Dust) only	Permit Issued
3	Rugby Works	Rugby Cement	Rugby, Warks	Midlands	Lower Severn	B	Cement Kiln Dust and on site roadsweepings	To be determined
4	Southam	Rugby Cement	Southam, Warks	Midlands	Lower Severn	B	Cement Kiln Dust and on site roadsweepings	To be determined
5	Alcan Pot Linings	Alcan Aluminium	Newbiggin, Northumberland	North East	Northumbria	W	Spent pot linings	To be determined
6	Coplow Quarry	Castle Cement	Clitheroe, Lancashire	North West	Central	W	Cement Kiln Dust	Refused
7	Royal Ordnance Landfill	BAE Systems	Chorley, Lancs	North West	Central	W	Contaminated land and other haz waste including asbestos	Permit Issued
8	Randle Landfill	Ineos Chlor Ltd	Runcorn, Cheshire	North West	South	W	Treated haz wastes arising from the chemical manufacturing process	To be determined

SPGs KEY N: Nottingham W: Warrington B: Bristol