

**Asbestos Liaison Group Minutes**

ALG/MIN/O2/2009

**Meeting date:** 21 May 2009**Open Gov. Status:** Fully Open**Type of paper:** Final**Paper File ref:****Exemptions:****Asbestos Liaison Group (ALG)**

Minutes of the 26th meeting of the Asbestos Liaison Group held on 21 May 2009 at HSE, 53 Bothwell Street, Glasgow, G2 6TS

**Present (HSE)**

Paul Stollard, Chairperson  
 Sarah Mallagh, Cancer & Asbestos Policy  
 Rob Hirst, FOD Construction  
 Colin Seditas, ALU  
 Martin Gibson, FOD Occupational Hygiene  
 Moira Gilfillan, ALU

**Apologies**

Gill Ross-Jones, Environment Agency,  
 Karen Ashdown, LACORS  
 Susan Murray, UNITE  
 John O'Sullivan, ATAC  
 Howard Button, NFDC  
 Greg Haywood, HSE  
 John Richards RICS

**TAs / TUs**

Mike Wilkes, ACAD  
 Peter Austin, ACAD  
 Peter Robinson, UKATA  
 Steve Sadley, ARCA  
 Grant Beglan, ARCA  
 Peter Wilson, UCATT  
 Richard Morgan, GMB  
 David Couldridge, Royal Borough of Kensington  
 Council  
 Jim Caldwell, NDFC  
 Rob Blackburn, ATAC  
 Rick Statham, NASC  
 Rob Greenfield, BIFM

**Guests**

Colette Willoughby, BOHS

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 (Paul Stollard)</b>
<b>1.1</b>	Paul welcomed all to the meeting at HSE's new offices in Glasgow. Apologies were received from 7 members of the group as noted above.
<b>2</b>	<b>Minutes of 25<sup>th</sup> meeting held on 22 January 2009 (Paul Stollard)</b>
<b>2.1</b>	The minutes of the meeting had been agreed and were now available on the ALG page on HSE's website.
<b>3</b>	<b>Matters arising from the minutes</b>
	3.2 Waste: Contact had now been made with SEPA – no change to hazardous waste legislation in Scotland. <b>Item discharged</b>

	14.1 Protocols for Testing: ALG memo on protocols for testing still in draft, to be reviewed by Martin Gibson and issued once agreed. <b>Item ongoing</b>
	4.2 Asbestos Campaign video footage: <b>Item discharged</b>
	5.1 HSE Strategy: Strategy will be launched on 3 June. Paul thanked everyone for their comments. Copies would be sent to ALG members when published.  <b>Action: Paul to distribute copies of strategy on behalf of ALU</b>
	6.1 Section 4: OH Provision: Clarification from Corporate Medical Unit (CMU) – appointed doctors are occupational health doctors therefore can do fitness to work occupational health medicals. CMU contact details to be sent to ALG members.  <b>Action: ALU to send CMU contact details members.</b>
<b>4</b>	<b>Asbestos Policy Issues (Sarah Mallagh)</b>
<b>4.1</b>	<p><b>Asbestos Hidden Killer Campaign:</b> Evaluation of the campaign had been good, with favourable feedback received. Funding was available for further activity this year, with an improved version of the campaign including duty to manage. Work was going on with stakeholders including RICS and with key suppliers on provision of RPE. She explained that a wider HSE project was looking at the issue of face fit tests as suppliers of RPE do not do this. A TV filler advert will be used on various channels. There was a need to reinforce the message that asbestos training is needed, particularly for younger employees who might not be aware of asbestos, although this was a long term piece of work.</p> <p>ALG members agreed that the pictorial campaign had been a good idea – although HSE guidance leaflets on young persons at work were available, they are more likely to look at posters than read information leaflets.</p> <p><b>Duty to Manage Campaign:</b> Evaluation still ongoing, and a report is being finalised at the moment, no date planned for publication yet. Sarah will report back at the next ALG.</p> <p><b>Action: Sarah to report back on DTM at September ALG</b></p> <p><b>Parliamentary Questions (PQs):</b> A number of PQs have been asked in parliament recently, particularly about asbestos in schools. Re-use and disposal of cement sheeting in farms has also been raised – this is a matter for the Environment Agency but HSE are also involved.</p> <p><b>REACH:</b> The REACH Regulations are being implemented over the period 2007 – 2011. That part of REACH which affects Exemptions will be in force on 1 June 2009. There is a discrepancy between REACH in its current form and requirements of the Control of Asbestos Regulations 2006, which would impact on the current system of exemptions. Work is in hand to resolve this and holders of current exemptions will be contacted this week. Rob Blackburn asked if REACH affected the sale of buildings. Sarah explained that REACH is a matter for DEFRA, although HSE is involved in discussions and she would raise the issue.</p>

5.	<p><b>Technical Sub Committee (Peter Austin)</b></p> <p>As Chairman of the group, Peter explained that the Technical Sub Committee of the ALG had had its inaugural meeting on 12 May 2009. The meeting had been attended by representatives from ACAD, ARCA, BOHS, UKATA and HSE. Terms of Reference had been discussed and draft minutes produced. Both documents would be posted on the website once finalised. The committee would look at any technical items referred to them by HSE, ALG or members, but would not consider items where the answers can be readily found in other guidance. The group would meet occasionally with most matters being dealt with by email. Conclusions would be fed back to the ALG. Issues for discussion should be sent to Peter Austin and he will produce a paper summarising progress on these items 10 days prior to the next ALG.</p> <p>A question was raised regarding any legal restrictions on the minimum age of asbestos workers – Sarah agreed to check this and report back.</p> <p style="text-align: right;"><b>Action: Sarah to check minimum age of Asbestos workers Peter to produce summary for next ALG</b></p>
6	<p><b>ALG Workplan (Paul Stollard)</b></p>
6.1	<p><b>Leadership</b></p> <p>(a) Colin Seditas provided a brief update on ALU’s licence activity for the 2008/2009 work year and agreed to supply details in these minutes. Licence assessments focus on management issues, as well as asbestos specific issues, and “leadership” provided by senior managers and directors is a key element.</p> <p><b>313 licence holders had been inspected</b> during the period: correspondence associated with such visits had led to ALU formally writing to 99 of those licence holders raising concerns about the standard of work / management.</p> <p><b>395 licence assessments</b> were carried out: 37 applicants were refused a licence (25 conditional refusals, 12 outright refusals).</p> <p>12 “new” applicants were refused (9 scaffold, 1 SLH, 1 labour supply, 1 full licence)</p> <p>25 “renewal” applications were refused (13 full, 7 scaffold, 3 SLH, 1 labour supply, 1 maintenance)</p> <p>56 applicants were granted reduced term licences (and assigned priority visit contractor status)</p> <p><b>ALU wrote 31 warning letters</b> to licence holders, mid-term, making them priority visit contractors.</p> <p>The <b>revocation process was started 9 times</b>:</p> <p>2 licence holders subsequently returned the licence;</p> <p>a decision was taken not to continue the revocation process on 1 occasion;</p> <p>1 was overtaken by licence expiry;</p> <p>2 were overtaken by licence assessments (1 outright refusal, 1 successful as a result of major senior management changes);</p> <p>3 are ongoing.</p> <p>Following the letter sent in January to the 66 supervisory licence holders, 14 of these had either returned their licence or had decided not to renew.</p> <p>ALU kept no record of whether licence action was being taken against members of trade associations.</p>

	<p>Colin explained that ALU did not intend to issue a yearly ALG “statistics” memo as it had in the past. HSE has a statistics department, which is better placed to deal with most HSE statistics. ALU were considering how best to obtain and deliver such statistics.</p> <p>(b) ARCA explained that they were running a pilot scheme aimed at supervisors and senior managers in Wales following the Step Change events. The pilot would eventually be extended to other areas. It was felt that these gave supervisors a chance to question managers, and he would provide feedback at the next ALG.</p> <p style="text-align: center;"><b>Action: Grant Beglan to provide feedback on ARCA pilot scheme at next ALG</b></p>
<p><b>6.2</b></p>	<p><b>Worker Involvement</b></p> <p>(a) Revised guidance on worker involvement and consultation (HSG 263/L146): Colin advised that free HSE leaflets on worker involvement are available on HSE’s website. Copies of these leaflets were circulated at the meeting. L146 and HSG263 are also available, these are priced publications available from HSE books. Similar guidance is also available on the TUC website. ALG members agreed to look into publicising these through adding links to their own websites.</p> <p style="text-align: center;"><b>Action: ALG Members to look into adding links to this guidance in their websites.</b></p>
<p><b>6.3</b></p>	<p><b>Competence and Training</b></p> <p>(a) Institute of Asbestos Management: Steve Sadley presented a paper on ARCA’s proposal to establish the Institute of Asbestos Management. The full paper is available on the ALG web pages. The Institute would be a separate registered company. ARCA asked for support for this proposal from the ALG. Membership would be open to anyone with the necessary professionalism, and would not be linked to ARCA membership. NFDC had been through a similar process with their own Institute (The Institute of Demolition Engineers) which had been in existence now for 15 years and had been very successful. ARCA had already been involved in initial discussion with them. The meeting agreed that it was generally a good idea, but that there was a need to take things slowly. It was also felt that there was a need to have external peer review and Jim Caldwell (NFDC) offered to help with this.</p> <p>(b) VQ/CSCS Developments: Peter Robinson (UKATA) reported that the NVQ was now up and running, with WAMITAB being the assessing body. Funding for training had been a problem as less was available under the “Train to Gain” scheme. <b>Jim Caldwell gave an update on the NVQs available for asbestos workers and how the demolition industry were taking this forward for their own asbestos workers. ACAD AND ARCA have been very supportive. This is a model for the rest of the industry.</b></p> <p>ARCA commented that without the “Train to Gain” funding, members would not take up VQs.</p> <p>The group briefly discussed the proposed asbestos worker registration scheme, this was widely supported and still on UKATA’s agenda to investigate ways of moving forward. Legal advice was being sought with respect to data protection issues.</p>

6.4	<p><b>Occupational Health Provision – (Colin Seditas)</b></p> <p>Covered under matters arising from previous minutes (Item 3, 6.1)</p>
6.5	<p><b>Client Actions</b> – no matters arising</p>
6.6	<p><b>HSE/LA Co-operation</b></p> <p>(a) LA Asbestos awareness training: David Couldridge reported that he is working with John O’Sullivan on a training package, funded by ARCA and ATAC, for LA Inspectors to carry out asbestos inspection safely and effectively. The course will be piloted in London with around 20 attendees from all London authorities. Speakers will be from ACAD/ARCA and HSE. There will also be an enclosure and DCU and delegates will complete ASB6s visit report forms, as used following inspection of live work. The package may be rolled out further, following evaluation. UKATA offered to help with other locations</p> <p>(b) HSE/LA courses in North West England. Dave Charnock and Greg Haywood are arranging further training courses for LA Inspectors in the North West of England. HSE will liaise with David Couldridge on feedback from the London event.</p> <p style="text-align: right;"><b>Action: David Couldridge / Greg Haywood to liaise on both events to compare outcomes</b></p>
6.7	<p><b>Analysts</b></p> <p>(a) 4 stage clearance improvements: Rob Blackburn presented a paper on 4 stage clearance improvements, which identified areas of weakness, and put forward proposals for consideration. Martin Gibson reported that HSL will be doing a survey of all accredited laboratories to establish trends and whether they are following current guidance. Inspections will follow the survey at the end of the year. Some of the proposals in the paper could be incorporated into the Analysts Guide. ATAC, UKATA and ARCA agreed to trial some of the suggestions and feed results back to future ALG meetings.</p> <p style="text-align: right;"><b>Action: Paper to be developed by Martin Gibson/HSE for January 2010 meeting.</b></p>
6.8	<p><b>Duty to Manage</b></p> <p>(a) The Surveyors Guide update: Martin Gibson reported that the guide will be ready to go to print in the next few weeks, with publication due around August or September. 5 HSE/BOHS Seminars to publicise the new guidance were being held in June at Glasgow, Manchester, Birmingham, London and Cardiff. There had been a good take up rate for attendees. Steve Sadley said that ATAC with input from HSE, were also running roadshows aimed at dutyholders round the country.</p> <p>It was agreed that feedback from both sets of seminars would be compared and a list of common questions put together.</p> <p>Peter Austin informed the group that ACAD had produced guidance on surveys and the general duty to manage. Members could contact him direct for copies.</p> <p style="text-align: right;"><b>Action: BOHS/HSE/ATAC to compare feedback from both series of events and put together a list of common questions</b></p>

7.	<p><b>ALU Update</b></p> <p>ALG Memos: Colin Seditas reported that two new ALG Memos on Supervision and Verification were expected to be circulated to members very soon for final comments. A further ALG Memo on 4 stage clearance was also in the process of being put together by Martin Gibson, which may be ready for the next ALG meeting.</p>
8	<p><b>Any Other Business</b></p> <p><b>(a) BOHS Membership:</b> Colette Willoughby attended the meeting as a guest to represent BOHS. She outlined why BOHS would like to join the ALG. She is already a member of the Technical Sub Committee but feels that BOHS would be able to make an effective contribution to the group. Members were asked to send opinions on this to Greg Haywood and in the meantime, a provisional membership would be offered to BOHS for 3 months – the final decision being taken at the next meeting.</p> <p style="text-align: center;"><b>Action: All to respond to Greg Haywood on BOHS membership before next meeting.</b></p> <p><b>(b) Complaints Procedures:</b> Rob Hirst confirmed that HSE’s complaints procedures allowed anonymity. Organisations and individuals should contact local HSE offices with regard to concerns over any H&amp;S matters, including asbestos issues.</p> <p><b>(c) Proposed National Centre for Asbestos Related Diseases:</b> Richard Morgan drew attention to an information paper on the proposed National Centre for Asbestos Related Diseases and asked if this could be circulated to ALG members to publicise the proposal. ALG members were supportive of the sentiments expressed.</p> <p style="text-align: center;"><b>Post Meeting Note: Since the paper primarily deals with the treatment of cancer which is a matter for the Department of Health, and HSE deals with prevention not treatment, it has been decided not to circulate the paper more widely.</b></p> <p><b>(d) FOD Management Board Papers on asbestos licensing.</b> Paul Stollard gave a brief update on the recent FOD Management Board papers on asbestos licensing. The proposals ask for more inspection of asbestos work, and for this to be self funded, for example by an increase in licence fees in the next year. The proposal will be discussed again next month.</p>
9	<p><b>Date, time, location of next meetings</b></p>
9.1	<p>Thursday 24 September 2009 at NFDC, Hemel Hempstead. Next meeting January 2010 at ARCA, Burton on Trent – date to be agreed</p>