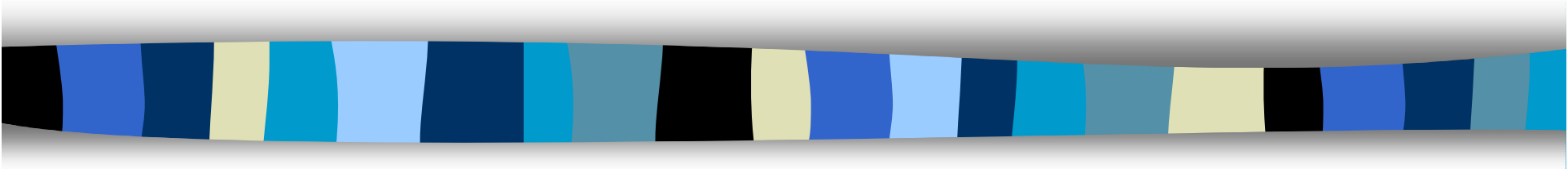


Duty to Manage Asbestos



Jim Skilling
Head of Asbestos
Licensing Unit



Campaign strategy

- Stage One – from October 2001:
 - awareness raising for all;
 - practical support to small and medium-sized enterprises
- Stage Two – from April 2003:
 - Consolidation (targeted visits/stimulation)
 - support and guidance.
- Stage Three – from May 2004:
 - directed enforcement



Duty to manage reg 4

Overview:

Regulation 4 requires dutyholders to:

- assess whether premises contain asbestos;
- assess risk from asbestos; and
- take action to manage the risk.

New Approved Code of Practice (L127) to back up the regulation and provide guidance to the designated duty holders.

Reg 4 comes into force 21 May 2004



Duty to manage reg 4

Who has the duty?

- Those with a contractual obligation in relation to maintenance and/or repair of premises eg employer, landlord, managing agent.
- Where no contract - duty lies with person in control
- Every person shall cooperate with duty holders to enable them to comply with their duties.



Duty to manage reg 4

The dutyholder should:

Find out if and where asbestos is present, how much there is and in what condition;

OR

- Presume unknown material is asbestos unless there is strong evidence that it is not;

AND

- Make and keep a record of the location and condition of ACMs;



Duty to manage reg 4

The dutyholder to: (cont)

- Prepare a detailed written plan on how to manage the risk;
 - Take the steps needed to implement the plan;
 - Review and monitor;
- and
- Inform all who need to know of the location and condition of ACMs.



Duty to manage reg 4

What are domestic premises?

Examples:

1. Residential or council garages ('lock-ups') allocated to an individual;
2. Sheltered accommodation/care homes – individuals' own rooms, communal areas such as the dining room and lounge;
3. Flats over shop/office – all residents' rooms.
4. Farmer's house or tied farmhouse – whole building



Duty to manage reg 4

Engaging a competent surveyor

1. Need evidence of training and experience:
 - employed by accredited organisation?
 - individual surveyor certified (by end of 2003)?
 - attended P402/P405/S301 BOHS courses?
2. Confirm work to be carried out in accordance with MDHS 100.
3. Evidence of suitable liability insurance.



Duty to manage reg 4

HSE's expectations:

- Adopt precautionary approach to maintenance – NOW
- Carry out a condition check on all buildings (vital for larger organisations where surveys would take some time to complete) – SOON
- Plan compliance strategy - START NOW
 - what type of inspection/survey?
 - who should do it?
 - which buildings first?
 - how will information be recorded/retrieved?
 - how will maintenance operations be controlled?



Key messages

- Asbestos is still main cause of health related deaths at work – maintenance workers at most risk
- Can't wait until May 2004 to prevent exposure – asbestos not well managed to date
- There are many different ways to comply with Reg 4 including the presumptive option
- Dutyholders must deal with: control of maintenance work, damaged ACMs and planning to comply with DTM - **NOW**
- Reg 4 is not just about surveys
- A bad survey is worse than no survey
- If ACMs are in good condition they should be monitored and not removed