

Health and Safety Commission Paper		HSC/05/111	
Meeting Date:	11 October 2005	Open Gov. Status:	Partially closed
Type of Paper:	Below the line	Paper File Ref:	
Exemptions:	Annex - MoD paper		

HEALTH AND SAFETY COMMISSION

Update on Ministry of Defence progress to eliminate asbestos in materials and acquisitions

A Paper by Helen Smart

Advisor(s):

Cleared by Jonathan Rees on 21 September 2005

Issue

1. The Ministry of Defence has submitted a paper to update HSC on their progress in eliminating asbestos from the Defence inventory.

Timing

2. Routine

Recommendation

3. The Commission notes the attached annex of progress towards the elimination of asbestos from the MoD inventory.
4. The Commission confirms that it has no objection to the Secretary of State for Defence re-issuing exemption certificates for the continued use of asbestos where there is no alternative and in line with current procedures.

Background

5. The Asbestos (Prohibitions) (Amendment) Regulations 1999, regulation 8(3) permits the Secretary of State for Defence to exempt Her Majesty's forces, visiting forces and any other person connected with the production of or trade in arms, munitions or war materials, from all or any of the requirements imposed by these Regulations in order to ensure that defence capability is not compromised. The Commission agreed to the inclusion of this regulation because of the arguments raised by the Ministry of Defence and its suppliers during consultation. They argued that it was impossible to cease completely using asbestos in military equipment, and this remains the case at present. Moreover, the use of asbestos was so widespread that it would be impossible for the Regulations to include specific derogations permitting continued use.
6. The Secretary of State for Defence duly signed three Certificates of Exemption, exempting from the Asbestos (Prohibitions) Regulations persons connected with the production of or trade in arms, munitions or war materials intended for use:

by Her Majesty's forces;
for export from the United Kingdom;
for the purpose of fulfilling any agreement between the United Kingdom
Government and any other Government.

7. However, MoD agreed with HSE to have in place a programme of eliminating asbestos as far and as fast as possible and to report on its progress.
8. The exemption certificates are renewed every two years and are due to expire on 23 November 2005.
9. The attached paper lays out the MoD's progress to date on eliminating asbestos containing items in the defence inventory.

Argument

10. In order to oversee the use of the exemptions and manage the elimination procedure, the Defence Procurement Agency of the Ministry of Defence has a Working group, the Restricted Materials Steering Group, with terms of reference that include consideration of other substances in addition to asbestos, such as cadmium and beryllium. It meets about three times per year and HSE officials attend.
11. In this year's report a brief summary of progress has been provided. There has been a continued reduction in both the number of justifications and the number of line items containing asbestos since the last request for renewal in 2003.
12. It is therefore proposed that HSC note and accept the re-issue of the exemption certificates for the coming two years by the Secretary of State for Defence.

Consultation

13. Not applicable.

Presentation

14. Not an issue for this paper.

Costs and Benefits

15. The costs to HSC/E are minimal, being limited to the cost of travelling for an HSE official to attend the RMSG meetings, which are held in Bristol. Ministry of Defence officials welcome HSE's continued interest and involvement, which helps them to drive matters forward within its operational arms.

Financial/Resource Implications for HSE

16. Minimal

Environmental Implications

17. None

Other Implications

18. None

Action

19. To note the attached paper from the Ministry of Defence and to confirm that HSC has no objection to the Secretary of State for Defence re-issuing exemption certificates for the continued use of asbestos.