

HSC CONSULTS ON AMENDED ASBESTOS REGULATIONS AND APPROVED CODE OF PRACTICE

The Health and Safety Commission published a consultative document on November 3rd seeking comments on proposed amendments to its asbestos regulations and an Approved Code of Practice (ACoP). The proposed changes will implement revisions to the EU Asbestos Worker Protection Directive 83/477/EEC in Great Britain.

The draft regulations contain a number of proposals, including a single, tighter control limit of 0.1f/ml for work with all types of asbestos; specific training requirements for those working with asbestos; and a clear hierarchy of controls that should be used to reduce exposure, based on the Control of Substances Hazardous to Health (Amendment) Regulations 2004 (COSHH).

HSC is taking this opportunity to simplify and rationalise the legislative regime by combining the three sets of current asbestos regulations - on controls, licensing and prohibitions - into one. HSC is also proposing to align the criteria for notifying the enforcing authority of work with asbestos with the requirement to have an HSE asbestos licence. These steps are in line with the Prime Minister's call for Better Regulation.

The Regulations will adopt a risk-based approach to licensing, reflecting risk criteria in the Directive. Certain types of work where exposure to asbestos will only be 'sporadic and low intensity' and below the control limit won't need to be done by a licensed contractor. HSC provides authoritative guidance on the types of work that will be exempt from licensing in the draft ACoP.

In practice, most work that currently needs to be done under licence will remain licensable. But, based on new research, HSC proposes that work on asbestos containing textured decorative coatings won't need to be done by a licensed contractor. Asbestos exposure levels from these materials are much lower than previously thought: estimated to be 1000 times less than that for other licensable materials, and lower than that from work with asbestos cement which doesn't require a licence.

HSC is not saying that work with asbestos containing textured coatings is safe: it still needs proper control measures, but not such stringent controls as those required for

other licensed contract work. Proposed controls are set out in the draft ACoP, and HSE is undertaking further research in this area during consultation.

Further details of the changes can be found in the Consultation Document and the draft Regulations. The full text of the Consultation Document can be viewed or downloaded from the HSE website at <http://www.hse.gov.uk/consult/2005.htm>. The consultation period will last for 12 weeks and comments on the proposals should be sent to asbestos.consultation@hse.gsi.gov.uk no later than 31st January 2006