

Control of Asbestos at Work Regulations 2002

DUTY TO MANAGE ASBESTOS IN BUILDINGS (Non-domestic premises) (Regulation 4): Every duty holder (person) who has any obligation for the maintenance or repair of buildings (through contract or tenancy) or control of parts of buildings where there is no contract or tenancy, (in both cases including means of access and egress) shall –

- ensure a suitable and sufficient assessment is carried out as to whether asbestos is or is liable to be present, taking into account its condition
- take account of building plans, the age of the building and other relevant information
- make an inspection of reasonably accessible parts
- review the assessment if it may no longer be valid or there has been a significant change in the buildings
- ensure the conclusions of the assessment and reviews are recorded
- where the assessment shows asbestos is or is liable to be present in the buildings:
 - ensure a determination of the risk from the asbestos is made
 - ensure a written plan identifying those parts of the premises concerned is prepared
 - ensure the measures to be taken to manage the risk are specified in the plan

The measures to be specified in the plan for managing the risk shall include –

- monitoring the condition of any asbestos ensuring any asbestos is properly maintained or where necessary safely removed
- ensuring that information about the location and condition of asbestos is:
 - provided to every person liable to disturb it, and
 - made available to the emergency services

The duty holder shall also ensure that –

- the plan is reviewed and revised at regular intervals, and forthwith if:
- there is reason to suspect that the plan is no longer valid, or
- there has been significant change in the premises to which the plan relates
- the measures specified in the plan are implemented, and
- the measures taken to implement the plan are recorded.

IDENTIFICATION (Regulation 5): Employees and others shall not be exposed to asbestos unless the type of asbestos has been identified, or the employer has assumed it to be other than chrysotile alone and treated it accordingly (i.e. worst case).

ASSESSMENT (Regulation 6): Where work is liable to expose persons to asbestos the employer shall assess the nature and degree of exposure and take steps to reduce it. The significant findings of the assessment shall be recorded. The assessment shall:

- identify the type of asbestos to which employees are liable to be exposed (or assume that it is not chrysotile alone)

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- determine the nature and degree of exposure which may occur in the course of the work
- consider the effect of the necessary control measures (Regulation 10)
- consider the results of monitoring of exposure (Regulation 18)
- set out the steps to be taken to prevent exposure or reduce it to the lowest level reasonably practicable
- consider the results of medical surveillance.
- include any additional information needed for the employer to complete the risk assessment.

Assessments shall be reviewed regularly and revised if no longer valid, if circumstances change, or the results of monitoring show it to be necessary. A copy of the assessment and significant findings shall be kept at the place to which it relates (where it has shown that the action level may be exceeded) for as long as the work is carried out.

PLANS OF WORK (Regulation 7): There shall be a written plan of work for any removal of @ from buildings or structures, which includes: nature and duration of work, location, methods of handling, equipment to be use for protection and decontamination.

NOTIFICATION (Regulation 8): No work in which a person is liable to be exposed to abestos shall be carried out for the first time unless ('HSE') has been given 14 days prior notice in writing (or lesser notice if they agree), other than when the exposure is not liable to exceed the following **action levels** over a continuous 12 week period:

- chrysotile - 72 fibre-hours per millilitre of air (ie 72 fhr/ml)
- amphibole asbestos or mixtures - 48fhr/ml

There is an exception to notification for persons licensed under the Asbestos (Licensing) Regulations 1983, (as amended). Where work changes affect the original notification particulars, the 'HSE' must be re-notified immediately.

INFORMATION, INSTRUCTION & TRAINING (Regulation 9): Adequate information, instruction, and training as to the risks and precautions shall be given to persons liable to be exposed to @ at work and to employees discharging the employers duty (ie supervisors). This is to ensure they are aware of:

- the significant findings of the risk assessment
- the risks to health from asbestos
- the precautions which should be observed
- the relevant control limit and action level.

The information, instruction and training should be given at suitable intervals and adapted to take account of any significant changes in the type or method of work carried out. It shall also be provided in an appropriate manner for the nature and degree of exposure identified in the risk assessment.

EXPOSURE TO ASBESTOS (Regulation 10): Employers should –

- **prevent** exposure of employees to asbestos (by substitution with a less harmful substance where practicable)

or if that is not reasonably practicable

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- **reduce** exposure to the lowest level reasonably practicable by measures other than RPE (such as, in order of priority: the design and use of appropriate work processes, systems and engineering controls, the provision and use of suitable work equipment and materials, and the control of exposure at source, including adequate ventilation systems and appropriate organisational measures) or if that is not reasonably practicable
- **control** exposure, by providing approved RPE in addition to the previous measures, to below the following **control limits**.
 - **chrysotile** - 0.3 fibres per millilitre averaged over any continuous period of 4 hours (ie 0.5 f/ml/4hrs) plus a short-term exposure limit of 0.9 f/ml/10mins
 - **amphibole asbestos or mixtures** - 0.2f/ml/4hrs with a short term limit of 0.6f/ml/10 minutes.

If the concentration of asbestos in air inhaled by any employee exceeds the relevant control limit the employer shall take immediate steps to remedy the situation. Where asbestos is used or produced by any work process the employer shall ensure that the quantity of asbestos is reduced to as low a level as is reasonably practicable.

CONTROL MEASURES (Regulation 11 and 12): Employers should ensure that control measures, PPE etc are put to proper use. Employees shall make full and proper use of control measures, PPE etc and take all reasonable steps to ensure it is returned after use to any accommodation provided for it and report any defects (Regulation 11). Employers shall maintain control measures, PPE etc. in a clean and efficient state, efficient working order and good repair, and ensure that exhaust ventilation and RPE (except disposable RPE) is additionally examined and tested at suitable intervals by a competent person, records of the work being kept for at least five years. (Regulation 10).

PROTECTIVE CLOTHING (Regulation 13): Suitable protective clothing shall be provided for persons exposed or liable to be exposed at work unless no significant quantity of @ is liable to be deposited on personal clothing. Protective clothing must either be disposed of as asbestos waste or cleaned at suitable intervals. Cleaning can either be done on the premises or at a suitable equipped laundry, any clothing being transported in suitable containers with a warning label. Should personal clothing become contaminated, it shall be treated as if it were protective clothing.

ACCIDENTS, INCIDENTS & EMERGENCIES (r14): In order to protect employees' health from an accident, incident or emergency related to the use removal or repair of @ the employer shall ensure that –

- procedures, including safety drills (to be tested at regular intervals), have been prepared which can be put into effect when such an event occurs
- information on emergency arrangements is available, including:
 - details of relevant work hazards and hazard identification arrangements, and
 - specific hazards likely to arise at the time of an accident, incident or emergency, and
- suitable warning and other communication systems are established to enable an appropriate response, including remedial actions and rescue operations, to be made immediately when such an event occurs.

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The information on the procedures and systems shall be made available to relevant accident and emergency services to enable them to prepare their own response, and if appropriate, displayed at the workplace.

NB. The first part of this regulation does not apply where the risk assessment shows only a slight risk and the control measures are sufficient.

In the event of an accident, incident or emergency related to the unplanned release of asbestos at the workplace the employer shall ensure that:

- immediate steps are taken to:
 - mitigate the effects of the event
 - restore the situation to normal
 - inform any person who may be affected; and
- only those persons who are responsible for carrying out repairs and other necessary work are permitted in the affected area and they are provided with:
 - appropriate RPE and protective clothing; and
 - any necessary specialised safety equipment and plant

SPREAD OF ASBESTOS (Regulation 15): Employers shall prevent or reduce to the lowest level reasonably practicable the spread of asbestos from any place where work with asbestos is being carried out.

CLEANLINESS (Regulation 16): Premises where persons are exposed or liable to be exposed to asbestos and any related plant shall be kept in a clean state, and thoroughly cleaned after work with asbestos has been completed. Where asbestos dust is generated in a manufacturing process, the building shall be designed and constructed as to facilitate cleaning and be equipped with a vacuum cleaning system, which should be a fixed system.

DESIGNATED AREAS (Regulation 17): If persons are fully employed in an area where their exposure could exceed the action level (see regulation 8) then the area shall be designated an asbestos area, demarcated and identified by notices. Where the concentration of asbestos could exceed the control limit (see regulation 10) then the area shall be designated a respirator zone and further identified by a notice that RPE must be worn. Employers must ensure that only persons required to work in a designated area are permitted to enter or remain. Employers must take reasonable steps to ensure that persons do not eat, drink or smoke in a designated area, and make provisions for persons to eat and drink elsewhere.

AIR MONITORING (Regulation 18,19,20): The exposure of persons to asbestos shall be monitored at regular intervals and when a change occurs which may affect exposure (unless exposure is not likely to exceed the action level, or the employer can otherwise demonstrate that effective reduction has been made). Records shall be kept for

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at least five years (40 years if health records (regulation 21) are required). Monitoring (regulation 19) and analysis (regulation 20) shall be carried out in accordance with ISO 17025 (this also applies to laboratories).

MEDICAL SURVEILLANCE (Regulation 21): Suitable facilities for medical surveillance shall be made available in respect of employees exposed above the action level (Regulation 8) and there shall be-

- **health record** maintained for each employee, kept for 40 years after the last entry and accessible to the employee concerned at reasonable notice
- **medical examination**, including at least a specific examination of the chest, before exposure and biennially thereafter, the medical certificate being kept for 40 years and a copy issued to the employee.

Employees shall during working hours present themselves for such medical examinations and tests and give such information concerning their health as may reasonably be required. The employer shall -

- on reasonable notice being given, allow an employee access to his personal health record;
- provide HSE with copies of health records as they may require;
- if he ceases to trade, notify HSE in writing and make all personal health records available.

Where, as a result of medical surveillance an employee is found to have an identifiable disease or adverse health effect which is considered by a relevant doctor to be the result of exposure to @ at work the employer shall -

- ensure that the employee is suitably informed and provided with information and advice regarding further medical surveillance
- review the risk assessment
- review the control measures taking into account medical advice, or from HSE
- consider assigning the employee to alternative work where there is no risk of further exposure to @, taking into account medical advice; and
- provide for a review of the health of every other employee who has been similarly exposed, including a medical examination (which shall include a specific examination of the chest) where recommended by a relevant doctor or HSE.

WASHING AND CHANGING FACILITIES (Regulation 22): Employees exposed or liable to be exposed to asbestos shall be provided with adequate -

- washing and changing facilities
- storage facilities for any protective clothing and RPE issued, and
- separate facilities for any personal clothing not worn during working hours.

Legislation Summary Sheet



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STORAGE OF ASBESTOS (Regulation 23): Except when it is in a totally enclosed distribution system, raw asbestos waste shall be stored, received or dispatched and distributed in suitably sealed and marked containers. Raw asbestos shall be labelled in accordance with a specified sign (Schedule 2; the lower case 'a' symbol) and waste containing asbestos shall be likewise labelled, or in accordance with the Carriage of Dangerous Goods (Classification, Packaging and Labelling) Regulations as appropriate.

PRODUCTS CONTAINING ASBESTOS (Regulation 24): Products for use at work which contain asbestos shall be labelled accordingly (Schedule 2). Where a component contains asbestos then it must be labelled, unless size makes it impossible to label either the component or the product.