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AsbestosNews

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From
Burton Environmental Services Ltd



Edited by Steve Shutler – Technical Director

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If you have any suggestions for topics that you would like to see included in future editions of “AsbestosNews” then we would be delighted to hear from you. Just email steve.shutler@bes-online.com

Happy First Birthday!

Welcome to the 12 edition of AsbestosNews – which is therefore 1 year old. Our readership continues to expand and we now have nearly 800 subscribers.

The staff at Burton Environmental Services appreciate the regular supportive comments that we receive and hope that the “short and to the point items” in AsbestosNews continue to assist our clients in the cost effective management of asbestos materials.



HSE to consult on AIB soffits

For some while there appears to be different methods of approach when it comes to the removal of roof soffits made from asbestos insulating board. The HSE guidance requires contractors working with asbestos to assess if enclosure is “reasonably practicable” i.e. does the risk presented by the work justify the cost, time or trouble of forming a dust tight enclosure?

It could be argued that such work is reasonably high risk as AIB usually contains about 30% asbestos and if the soffits are nailed then some breakage during removal is probably unavoidable. It is however expensive to form enclosures at height around a building and the work is external. Adverse weather can also easily damage such enclosures.

To resolve this dilemma the HSE has advised that they are currently working on guidance with regard to external AIB soffits which should be out for consultation in the near future.

The Asbestos Surveying Guide – second draft expected any day

Readers of AsbestosNews may recall a previous review of the first consultation draft of guidance on asbestos surveys which is intended to replace MDHS 100. This document was heavily criticised and the HSE is therefore intending to publish a revised consultation document – now titled The Asbestos Surveying Guide - by the end of November with a 2 month consultation period (Yet again running over the Christmas holidays!).

If all goes well the HSE say formal publication will then be in April 2009.

AsbestosNews will obviously be telling our readership of all changes and relevant details at the earliest opportunity.

Former MP Cyril Smith of Rochdale had close links with Turner and Newall

Following a recent television interview with Sir Cyril Smith when he surprisingly defended asbestos giant Turner and Newall the Daily Mirror has done some research in to the previous relationship between the former Rochdale MP and the Rochdale based company. Insisting he used only some of the script supplied by a local employer, he maintained 4,000 deaths was “relatively low” and conjured up a bizarre explanation.

"It's not like, how can I put it, like flu and contagious," asserted Smith. "It wasn't infections in the sense you can have a man and wife and one would have it and the other wouldn't."



Further details can be seen on the Mirror web site at

<http://www.mirror.co.uk/news/top-stories/2008/11/05/not-such-a-nice-one-after-all-sir-cyril-115875-20870440>

Head of Asbestos Licensing surprises industry over supervision of asbestos works

Greg Haywood, Head of Asbestos Licensing at the HSE, has surprised everyone with his opinion that if an independent supervisory licence holder (SLH) is engaged to supervise works upon behalf of a client then the SLH should not also be engaged to issue the certificate of reoccupation upon completion of works. He went on to say that the client should appoint a second UKAS accredited organisation to conduct the 4 part clearance test and to issue the relevant certificate. As far as the Editor of AsbestosNews is aware such arrangements have never been suggested before and it is usual practice for one organisation to provide supervisory and certification services.

Mr Haywood went on to highlight the concerns of his officers over the standards of cleanliness in enclosures being put forward for clearance and he suggested that the HSE intend to insist that asbestos removal supervisors receive a higher level of training on the visual inspection process of work areas before UKAS accredited organisations are requested to initiate the 4 stage clearance testing procedure.

HSE relax annual refresher training on asbestos awareness

The HSE have confirmed that once Asbestos Awareness Training has been provided to employees by a recognised training provider then annual refresher training can be by way of "toolbox talks". They have also said that expiry dates do not need to be printed on to attendance certificates.

New real life asbestos stories added to HSE web site

New information has recently been added to the HSE asbestos web site which includes real life stories of how asbestos has affected the lives of everyday people.

<http://www.hse.gov.uk/asbestos/hiddenkiller/real-life-stories.htm?ebul=hsege>

These accounts include how 16 year old apprentice carpenter, Graham Ansell, cut up asbestos boards and went on to die from asbestos related disease shortly before his 49 birthday and an interview with the wife of an electrician who died from mesothelioma.

All very sobering stuff.

Court of Appeal allow challenge against import of French warship containing asbestos and toxic chemicals

The Court of appeal has reversed the High Court decision and is allowing residents in Hartlepool, through their legal representatives Public Interest Lawyers, to challenge the importation of the French aircraft carrier The Clemenceau for the removal of asbestos and PCBs.

It is expected that the vessel will now remain in France until the full case is heard.

Gavin Sullivan, the solicitor at PIL representing Jean Kennedy, said:

“We have asked Able UK to undertake not to take any steps to import this ship into Hartlepool until the Court has taken its decision. Obviously, should Able seek to ignore this Order and try and bring this ship from France regardless, we will consider seeking directions from the Court to prevent them from doing so”.



The Clemenceau

HSE publish guidance on asbestos equipment maintenance

September saw the issue of an HSE Asbestos Licensing Unit memo on the maintenance of air extraction equipment and class “H” vacuum cleaners in the asbestos industry. The memo includes information on when maintenance companies do not require an asbestos license – for example when only conducting filter tests as this does not involve contact with contaminated components, transporting such equipment and the scope of a through examination and test.

Interestingly paragraph 5 states that emptying contaminated class “H” vacuum cleaners is “likely to require a licence to work with asbestos”. This would seem to put an obstacle in the way of unlicensed contractors carrying out lower risk work as describes in HSE publication “Asbestos Essentials – Task Manual” and regularly using such a vacuum cleaner to contain or collect asbestos dust!

Prosecutions in the media

Arrest of Unlicensed Asbestos Contractor

Robert McCart, a director of unlicensed company Sussex asbestos Solutions, was arrested after he failed to attend Court on 9 September 2008 to answer charges brought by the HSE under The Control of Asbestos Regulations 2006 for work in an Eastbourne retail premises.

On 29 September he was convicted for the following offences:-

- Failure to notify the HSE of work with asbestos – Reg 9
- Undertaking work without an asbestos license – Reg 8(1)
- Not ensuring employees working with asbestos were subject to medical surveillance – Reg 22(2)
- Not ensuring respirators were worn by persons working with asbestos – Reg 18(2)
- Not ensuring that asbestos waste was properly removed – Reg 17
- Not preventing the spread of asbestos – Reg 16

He was fined £3000 for each offence and was ordered to pay £3000 prosecution costs. He was also required to pay the shop keeper £4000 in compensation.

At the hearing he was also fined £18,000 with £1000 prosecution costs for offences brought by the Environment Agency.

In mitigation McCart said that he had employed a third party to do the work but when they failed to turn up he removed the asbestos so as not to let the client down.

Inadequate Asbestos Survey by Specialist UKAS Accredited Consultants Leads to Large Fines

A Guernsey based UKAS Accredited asbestos surveying company with regional offices in the UK has been prosecuted following their failure to identify asbestos insulating board in school buildings in Pontypridd and Aberdare, South Wales.

On 16 October 2008 Llwynypia Magistrates heard that surveyors from Normandie Analytical Services carried out a number of asbestos surveys for Rhondda Council and while identifying asbestos in floor tiles (generally considered to be a low risk use of asbestos) they failed to identify high risk asbestos insulating board ceiling tiles. This failure resulted in builders working in Cardinal Newman Comprehensive School in Pontypridd being exposed to asbestos.

Normandie Analytical Services pleaded guilty to two charges under Section 3(1) of The Health and Safety at Work etc Act 2004 and were fined £18,000 with £21,000 costs. In mitigation the company said that they had since trained the building workers on asbestos awareness.

HSE Inspector Steve Lewis who instigated the prosecution commented “This case demonstrates a failure by this company to carry out systematic and comprehensive checks for asbestos. Exposure to asbestos can only be prevented if the locations of asbestos materials are known. Asbestos surveys need to be accurate, thorough and comprehensive, so that asbestos in buildings can be properly managed.”

Services from B.E.S

BES has been known for efficient and **cost effective asbestos removal** for many years. However our service extends much further:-

- Surveys – Type 1, 2 & 3
- UKAS accredited sample analysis
- Asbestos risk assessment
- Asbestos management plans
- Awareness training



T: 01283 517 374
F: 01283 500 360

E : info@bes-online.com
W: www.bes-online.com

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