

burtonenvironmentalserviceslimited

AsbestosNews

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From

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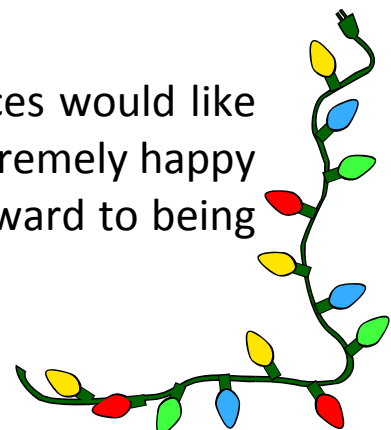
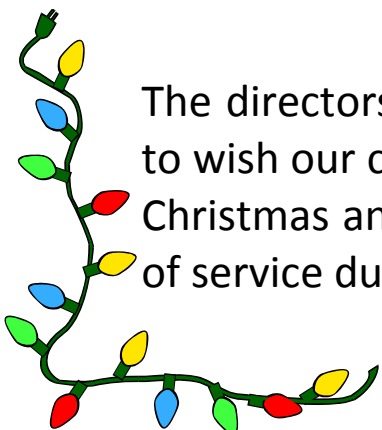


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Happy Christmas and a Prosperous New Year to All our Clients and AsbestosNews Subscribers

The directors and staff of Burton Environmental Services would like to wish our clients and readers of *AsbestosNews* an extremely happy Christmas and a prosperous New Year. We all look forward to being of service during 2008.



HSE to get tough with duty holders and issue new guidance for inspectors

The HSE has just issued guidance for its field staff setting out a stronger line to be adopted when contraventions of The Control of Asbestos Regulations are encountered. The new document is entitled *“Inspection Pack for Duty to Manage Asbestos in Premises”* and is publicly available on the HSE web site at:- <http://www.hse.gov.uk/foi/internalops/fod/inspect/asbestos.pdf?ebul=hsegen/1>

The publication first reiterates the reasoning for the stronger enforcement line – in 2004 (most recent completed figures) 1969 people died from mesothelioma, 160 from asbestosis and approximately 4000 died from asbestos induced lung cancer – although this latter number is more difficult to quantify with certainty due to lung cancer deaths from other agents.

Next the current legal requirements are given followed by a summary of the communications campaign – “Asbestos – don’t take the gamble”.

Section 4 is the most interesting – “Enforcement Expectations”. The very first sentence sums up the new attitude – *“ In work year 2007/8 HSE senior management are advocating a more proactive approach to enforcement of CAR 2006 --”*. This is then reinforced at 4.7 *“ -- there is an expectation that prosecutions will be taken without waiting for the occurrence of a specific asbestos ‘incident’, such as contamination of the workplace”*.

Appendix 1 gives ‘Risk Control Indicators’ – which are criteria by which duty holders and contractors will be ‘scored’ by field inspectors. A score of 4 indicates enforcement action, while 3 or 2, indicates enforcement action may be appropriate.

(Editor’s Note:- By using these Risk Control Indicators you can anticipate the likely outcome of an HSE visit to your premises!).

Other appendices include suggested questions that HSE officers should be asking while on site, a list of evidence that officers should obtain to help to secure a prosecution and some pro-forma enforcement notices.

You have been warned!

ARCA issue guidance on removal of asbestos in confined spaces



The Asbestos Removal Contractors Association – ARCA has issued its latest guidance publication for members on removing asbestos in confined spaces. The nature of asbestos means that it is often found in confined spaces such as roof voids and duct systems and the methods of containing dust during removal make for extremely hazardous working conditions. The guidance explains how to assess such risks and provides information on determining appropriate precautions. The document is also available to non members. Contact ARCA on 01283 531126 or via www.arca.org.uk

No Compensation for Pleural Plaques

Exposure to asbestos can cause damage to the lungs known as pleural plaques. Usually the condition does not lead to any disability but it is argued that sufferers of the condition can be subject to stress and anxiety from the knowledge that the damage has occurred and that they could go on to suffer other fatal forms of asbestos disease. Previously a number of individuals with pleural plaques have received compensation through the Courts.

On 17 October the House of Lords ruled that this condition is not an “actionable injury” because in most cases the plaques would never cause any symptoms, nor increase the susceptibility of those who have them to disease or shorten their life expectancy. Lord Justices Hoffmann, Hope, Scott, Rodger and Mance considered that the plaques were only a “hook” upon which to hang a claim.

Solicitors acting for two Trade Unions who helped to bring the case expressed their disappointment that employers who may have knowingly exposed their employees to asbestos could now avoid paying compensation. Stephen Haddrill, Director General of The Association of British Insurers, said that “The insurance industry is fully committed to paying compensation to claimants who suffer from mesothelioma and other asbestos-related diseases. This judgement on pleural plaques is not concerned with those diseases”.

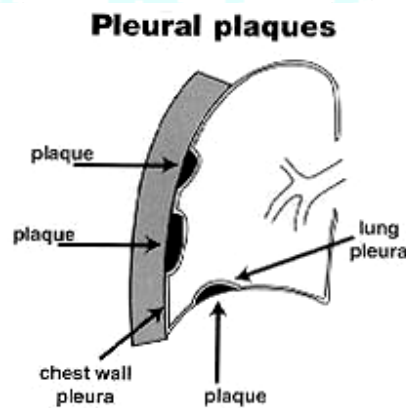


Image source: www.lchs.com.au

Technical Issues –

Due to the number of other items this month’s planned *Technical Issues* on PPE used in the asbestos removal industry has been postponed until our next edition.

Prosecutions Reported in the Media

Blacks Outdoor Clothing Retailers have received a very significant fine following their failure to manage the risks from asbestos at their store in Kensington High Street, west London. In addition to the £150,000 fine the owners of Blacks, The Outdoor Group, were ordered to pay £15,000 costs. Blackfriars Court heard how in May 2005 environmental health officers from Kensington and Chelsea Council found damaged asbestos in a stockroom and took the case under sections 2(1) and 3(1) of the Health and Safety at Work etc Act 1974.

The damaged asbestos containing materials had previously been identified during an asbestos survey but the company had failed to act upon the survey report recommendations. Apparently the stockroom had been sealed but when the officers visited the shop they found that it was again in use.

Judge Pillay stated: - "It is my view that the breaches were motivated by financial considerations and operational difficulties. These breaches do not represent isolated oversights by the company. The facts speak of serious and deliberate breaches".

A licensed asbestos contractor from Staffordshire has been fined for failures in working procedures while removing asbestos materials from an industrial site prior to demolition. At Halesowen Magistrates Court on 2 October, **Bloom Environmental** pleaded guilty to 5 offences under The Control of Asbestos at Work Regulations including failure to prepare a written plan of work, not taking steps to reduce exposure to asbestos, not maintaining plant and equipment and failing to remove asbestos waste. HSE Inspector Tony Woodward explained to the Court that when he visited the site he saw operatives contaminated with asbestos in the 'clean' end of an airlock. He also saw asbestos removal workers taking down asbestos insulation board by breaking it away with a hammer and then treading on it to reduce the sizes of the pieces. In mitigation Bloom said that all of their staff had received training and should have been following the correct procedures. They also blamed the site supervisor for allowing bad practice. They were fined £12,000.

Useful Background Information

The British Occupational Hygiene Society produces the following modular asbestos training courses:-

P401 Identification of Asbestos in Bulk Samples (PLM)

P402 Buildings Surveys and Bulk Sampling for Asbestos (including Risk Assessment and Risk Management Strategies)

P403 Asbestos Fibre Counting (PCM)

P404 Air Sampling and Clearance Testing of Asbestos

P405 Management of Asbestos in Buildings

P406 Supervision and Management of the Safe Removal and Disposal of Asbestos

For further details see:- <http://www.bohs.org/standardTemplate.aspx/Home/Examinations/ProficiencyModules>

Details of course providers and dates are available from the BOHS, telephone: 01332 298101



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