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# AsbestosNews

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*From*

*Burton Environmental Services Ltd*



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## ***Welcome to the first Asbestos News of 2008***

So – the beginning of a new year and to get things started we have put together more asbestos related information which we hope you will find interesting and informative.

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](mailto:steve.shutler@bes-online.com)

## ***Asbestos: Surveyors Guide - HSE Issue Draft Guidance on New Surveying Protocol***

The HSE have just issued a consultation draft of their guidance 'Surveying, Sampling and Assessment of Asbestos Containing Materials' – MDHS 100. The new guidance follows earlier criticisms of MDHS 100 published in July 2001 (see edition 2 of *AsbestosNews*). Responses are required by 1 February.

Some of the more interesting issues are given below and it is intended that *AsbestosNews* will provide a comprehensive review when the final document is issued.

The draft clarifies the types of and reasons for an asbestos survey. The terms type 1, 2 and 3 have been replaced by **Management** and **Refurbishment/Demolition Surveys**.

**Management Surveys**, as the name would suggest, are conducted as part of the strategy to safely manage existing ACMs while the building is normally occupied and 'during associated maintenance and development'. The guidance clarifies the extent of the survey which goes rather further than previously and advises surveyors that they should come equipped to inspect 'under carpets, above false ceilings, and inside risers, service ducts, lift shafts etc. It may also involve some minor intrusive work such as accessing behind fascia and panels, other surfaces or superficial material'. Management Surveys should be planned with the client so that the resulting information is as useful as possible. The document suggests that a preliminary 'walk through' with the client is very helpful as locked doors can be identified and the client can explain any particular health and safety issues relating to the premises. The client can also explain the normal maintenance activities so that the survey can include materials that would potentially be disturbed by such routine work.

Dutyholders are generally discouraged from **presumptive surveys** (previously referred to as type 1 surveys) due to the additional costs of managing materials that subsequently prove to be asbestos free and having to employ asbestos procedures when work may be required on them.

There is significant emphasis that a **Refurbishment/Demolition Survey** is very different both in terms of the extent of investigations required and the abilities of the surveying personnel. An annex to the guide details elements of the building and engineering services that should be inspected. This goes much further than the previous document suggesting, for example, that while wall cavities do not normally contain ACMs they should still be inspected with endoscopes, that door architraves will need to be removed and joist ends exposed to check for asbestos packers and that concrete slab floors are core drilled to check for asbestos containing shuttering! Such detailed inspection is currently only included under limited circumstances.



**Asbestos Insulating Board ("Asbestolux") used as packing.**

© Copyright Burton Environmental Services Ltd

The thorny and confused issue of textured decorative coatings (“**Artex**”) again raises its head. The annex makes a very bold statement that the “HSE are no longer requiring that textured coatings are removed from a building before it is demolished. It is not now therefore necessary to examine all walls and surfaces where texture coatings are found to establish whether they contain asbestos”. However the annex also states that “where textured coatings are attached onto materials which can be essentially removed intact or whole e.g. plasterboard sheets, then removal may be reasonably practicable e.g. by removing whole sheets intact. The survey should identify the nature of the substrate and whether textured coating removal will be required”. Surely this is a complete contradiction as the only way to establish such information is by examination!

Survey **restrictions** imposed by clients and **caveats** used by surveyors are discussed and both are strongly discouraged. (The fact that surveyors are required to use caveats by their insurers seems to have been lost on the HSE)

The guidance is also aimed at **Dutyholders**, reiterating their responsibilities to prevent exposure to asbestos by effective management and providing information as to the selection of surveyors, breaking the process down into 2 stages – confirming qualifications and then looking at their experience. A table of what the dutyholder should expect from the surveyor and visa versa is also included.

Other areas in the guide include tabulated information on the uses and dates of production for various ACMs, sampling methods and sample numbers, risk assessment algorithms and the format of asbestos survey reports.

Any subscribers who would like see the entire document can email BES for an electronic copy.

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### ***Technical Issues – Personal Protective Equipment and Respiratory Protective Equipment used in The Asbestos Removal Industry.***

The Control of Asbestos Regulations 2006 requires that, as far as reasonably practicable, exposure to asbestos must be prevented (Reg. 11). However the very nature of asbestos removal work means that workers will be exposed to potentially harmful levels of airborne asbestos fibre. Such personnel must therefore be provided with adequate respiratory protective equipment – RPE.

The RPE must reduce the level of asbestos fibre in the air that the worker breaths to below the control limit (currently set at 0.1f/ml for all types of asbestos) AND *to as far below that level as is reasonably practicable*. In other words the highest level of RPE should be chosen that is suitable for the particular circumstances. It is, however, very important that the fibre levels produced from the material are reduced by good working practice (see next issue of *AsbestosNews*) as RPE can only reduce exposure levels – not stop it.

In the asbestos removal industry by far the most common form of RPE is the full face, positive pressure type. See illustration. Ori-nasal respirators, which just cover the nose and mouth, are sometimes used for low risk work such as the removal of asbestos cement and during ancillary work like sheeting up.

### Typical Full Face Respirator

©Copyright Burton Environmental Services Ltd



Respirator Air Pump with P3 Filters and Rechargeable Battery

To satisfy the law the RPE must also fit the wearer, be suitable for the intended use, be 'CE' marked and be properly maintained. Records of selection, examination, maintenance and testing need to be retained and most importantly wearers need training in its proper fitting and use.

Each type of respirator (filtering half mask, ori-nasal, full face, powered hood etc) is assigned a Protection Factor which expresses the efficiency of the device. Full face, positive pressure RPE usually have a PF of 40 which means that it can be used in situations up to 40 times the control limit i.e. where the fibre level is up to 4 fibres of asbestos/ml of air. Considering that dry removal of sprayed asbestos can produce up to 1000 f/ml (or even 3000 f/ml according to some experts) the necessity to use fibre suppression is all to apparent!

It is generally accepted that the main area of potential leakage is the seal between the face piece and the user's skin. To confirm that the particular type, make and size of face-piece fits the worker properly, a face fit test is mandatory. The most commonly used testing equipment is that manufactured by Portacount. This instrument simultaneously measures the number of particles outside and within the mask, providing an efficiency reading.



Quantitative Face Fit Testing Apparatus

Photograph courtesy of Portacount Ltd

## Coveralls

Coveralls are required whenever there is a possibility of contamination with asbestos. Disposable coveralls are most often used due to laundering difficulties with cotton/nylon types. They need to be robust and Type 5, Category 3 coveralls will minimize the penetration by asbestos fibres. Elasticated ankles and cuffs are required and an integral hood should be worn over the RPE straps.

Other PPE may be required for protection against non asbestos hazards e.g. head and ear protection and each item must be mutually compatible.

References and further reading:-

- Asbestos: The licensed contractors' guide, HSG247
- Respiratory protective equipment at work: A practical guide HSG53
- The Personal Protective Equipment at Work Regulations 1992 and Guidance (Second Edition).

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## ***Prosecutions Reported in the Media***

The company at the centre of the row regarding dismantling of former US Navy ships in the north east of the country several years ago has been prosecuted by the Environment Agency for 2 offences under Environmental Protection legislation. **Able (UK) Holdings Ltd** was fined a total of £22,000 with £4,522 costs at Hartlepool Magistrates Court on 13 November 2007 after the Court heard that waste asbestos sheeting was being crushed and compacted by a bulldozer, was not being damped down and not covered with a suitable inert material. The offences were seen by an EA inspector on 28 October 2005 and again on 23 January 2006. The company admitted the breaches but said that the first offence occurred because of a shortage of cover material and the second was due to sub-contractors not following instructions. Prosecuting for the Agency, Trevor Cooper commented that if covering material was not available then Able should have suspended work. He also said that Able should have properly supervised its sub-contractors.

<http://www.environmental-agency.gov.uk/news/1909672>

Builder **Mustaq Bargit** of Fulwood has been prosecuted by the Health and Safety Executive under section 3(1) of The Health and Safety at Work etc Act 1974 after allowing refurbishment works to proceed before an asbestos survey had been carried out. Mr Bargit had been advised that asbestos was likely to be present on the site but failed to stop works thereby exposing 2 workers from another company. He was fined £10,000 and was also ordered to pay prosecution costs of £5,137. Lancashire Evening Post 19 October 2007.

<http://www.lep.co.uk/news/Builder-fined-over-asbestos.3396495.jp>

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## ***Enquiry following Local Authority Asbestos Prosecution***

Following the prosecution of **Wear Valley District Council**, reported in Edition 2 of *AsbestosNews*, a formal enquiry is to be convened to discover why staff at the Woodhouse Close Leisure Centre were allowed to work in an area contaminated with asbestos for over 5 years even though senior managers knew of the risk. Peter Kemp, formerly chief executive of Durham County Council, is to head the enquiry. Northern Echo 22 September 2007

[http://www.thenorthernecho.co.uk/search/display.var.1707858.0.inquiry\\_at\\_last\\_into\\_asbestos\\_scandal.php](http://www.thenorthernecho.co.uk/search/display.var.1707858.0.inquiry_at_last_into_asbestos_scandal.php)

## ***Liverpool City Council Faces Significant Payouts Following Exposure of Staff to Asbestos***

During the past 18 months Liverpool City Council has paid over £1/4 million in compensation to former tradesmen now suffering from asbestos related diseases. The Council leader, Joe Anderson, has admitted that the compensation paid to date could be “the tip of the iceberg”.

Claims from 3 former joiners and a boiler-man and have been settled but solicitor Kevin Johnson of Liverpool solicitors John Pickering said that he has other cases which are ongoing. Mr Johnson stated: - “Large organisations like local authorities, who have faced claims in the past, certainly know about the dangers. It’s a concern if it’s the case that they have not been taking reasonable steps to protect the workforce”. Liverpool Echo 14 November 2007.

[http://icliverpool.icnetwork.co.uk/0100news/0100regionalnews/tm\\_method=full%26objectid=20105255%26siteid=50061-name\\_page.html](http://icliverpool.icnetwork.co.uk/0100news/0100regionalnews/tm_method=full%26objectid=20105255%26siteid=50061-name_page.html)

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## ***New Asbestos Awareness Campaign in 2008 to Target Tradesmen***

It is generally accepted that tradesmen are the group that are now at highest risk of being exposed to asbestos and subsequently going on to develop asbestos related disease in the future.

To tackle this unacceptable situation the HSE in planning an awareness campaign during 2008 aimed at raising the awareness of plumbers, electricians, joiners etc. A pilot campaign in the northwest will use radio advertisements and press coverage to get the message out. Packs of information containing a guidance card and leaflet will also be distributed. Previously the HSE have found that these groups of workers are difficult to reach and it has been suggested that the publicity materials should be available through builder’s merchants and DIY stores. Once the results are evaluated a decision will be taken as to how to take forward a national campaign.

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## ***Asbestos in Domestic Products Used in the United States***

CNN news has recently investigated the presence of asbestos in common domestic products used in the United States. There is an interesting 3 minute video report available via this link (You have to watch a short advert first!)

<http://edition.cnn.com/video/?/video/health/2007/12/18/hunter.asbestos.in.products.cnn>

*AsbestosNews* will keep you informed of any response from the UK authorities

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## ***Useful Background Information Easy Access to Legislation***

Have you ever needed to refer to the text of a set of Regulations but a copy was not to hand? Fortunately all Statutes (Acts of Parliament) and Statutory Instruments (Regulations) can be accessed free of charge via the web site of The Office of Public Sector Information at <http://www.opsi.gov.uk>

The web site is particularly useful as it contains the revised form and original documents.

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## ***Services from B.E.S***

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