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AsbestosNews

Edition 9 July 2008

From

Burton Environmental Services Ltd



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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

Prosecutions Reported in the Media

Building Surveyor Prosecuted over Failure to Identify Asbestos.

An experienced building surveyor was prosecuted at Birmingham Magistrates on 15 May 2008 following exposure of building workers to asbestos. The court heard that Raymond Boyle had failed to obtain an assessment of asbestos risks before instructing the contractors to undertake refurbishments as required by regulation 4(3) of The Control of Asbestos Regulations 2006 and failing to take measures to prevent the spread of asbestos – regulation 16.

The incident came to light following a complaint from a member of the public, that 3 Polish workers appeared to be handling asbestos materials but were unaware of the risks that they were running.

The HSE prosecuting inspector told the Magistrates that “The workers did not know what they were dealing with. No survey had been done for the areas where the work was going to take place, although asbestos had been identified in the roof and basement areas, where it was not planned to undertake work, in a survey prior to purchase of the building”.

In mitigation the surveyor said that the workers were working in an area where work was not previously planned and that the asbestos was behind plaster.

In response the HSE officer said “There was no suitable day to day management of the people on site, which along with a suitable survey would have helped identification and control of asbestos. **As a building surveyor with many years experience, Mr Boyle should have been aware of his duty to manage the asbestos risk in a non-domestic property**”

Preliminary Results of HSE Pilot Asbestos Awareness Campaign

The pilot asbestos campaign in the North West aimed at buildings trades has been a success and the HSE is therefore to launch the campaign nationally.

Press and radio advertisements have been particularly successful. The radio adverts can be listened to on line at <http://www.hse.gov.uk/asbestos/campaign/index.htm> which also contains a useful short video

Duty to Manage Asbestos Evaluation by HSE

The MORI organization has given the HSE its preliminary findings of its poll of duty holders.

The final results will then be used to decide if amendments are necessary to make the regulations more effective. Data obtained so far includes:-

- 71% of maintenance workers had not asked whether there was asbestos on site in the past 12 months
- 52% of workers had noticed that they are now more frequently informed of asbestos on the sites where they work (46% had not noticed a change)
- 84% of dutyholders had a management plan. 57% had discussed the presence of asbestos with maintenance workers (but 39% hadn't).

New Memos from the Asbestos Liaison Group

The HSE/Industry asbestos liaison group has recently published 3 new memos.

- **Supervisory License Holders** – explains that staff supervising licensed contractors must be trained to the level of a contractor's site supervisor as a minimum. They must enter enclosures and therefore be subject to medical surveillance by an EMAS appointed doctor.
- **Asbestos Licensed Scaffolders** – explains in detail when scaffolding contractors must hold a license under the Control of Asbestos Regulations 2006
- **Demolition of buildings that contain lower risk ACMs** – clarifies when it is permissible to leave ACMs in situ when buildings are demolished and how resulting wastes are then classified

All memoranda are available at http://www.hse.gov.uk/aboutus/meetings/alg/memos_issued.htm

Enforcement Statistics 2007/8 – licensed asbestos contractors

Enforcement action against licensed asbestos contractors for 2007/8 will be published shortly however summary information has been made available and includes the following:-

- There were 378 license assessments which resulted in 46 refusals and 76 licenses being reduced to 1 year
 - 36 notices were served on licensed contractors
 - Notifications of work sites 31,700 (similar to previous year)
 - Visits by HSE to live removal sites dropped significantly from 847 to 563
-

Fitness to Work Certificates May Replace Asbestos Medicals?

The HSE led *Construction Better Health Scheme* standards have been published and there is now access to EMAS appointed asbestos medical practitioners. This means that workers can be screened for common medical conditions as part of the statutory medical examinations required under asbestos legislation.

At present this is voluntary but as the re-licensing questionnaire now used by the HSE includes questions on how applicants address occupational health issues it is possible that this will become mandatory in the future.

Fitness medicals do however raise the thorny issue of how to treat workers who are classified as unfit to undertake asbestos removal work. Legal opinion is that they should be offered alternative employment where available but dismissal with no redundancy payments is potentially an option.

Government consultation on pleural plaques

The Government intends to publish a consultation paper shortly to discuss options in the light of last year's controversial ruling by the House of Lords to deny sufferers of asbestos-related pleural plaques access to compensation.

Technical Issues

This feature is on hold until the autumn

Recommended web site of the month

This month we suggest the American Ban Asbestos web site. Whilst typically "American" in presentation it reminds us that the US faces similar problems to our own with an estimated 10,000 deaths each year. Surprisingly asbestos has yet to be totally prohibited in North America and the site includes a history of asbestos regulation in the country

<http://www.banasbestos.us/>

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:-

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- UKAS accredited sample analysis
- Asbestos risk assessment
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- Awareness training



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