

Control of Asbestos Regulations 2006

According to the Health and Safety Executive (HSE), Asbestos has been the main cause of occupational ill health since about 1950 and is the greatest single work related cause of death from ill health. On average 3 plumbers, 20 tradesmen, 6 electricians and 6 joiners die every week from asbestos related illnesses.

Why is it dangerous?

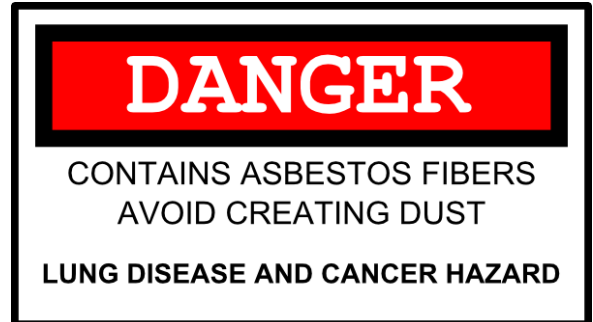
Asbestos is not dangerous as long as it is stable and undisturbed. What makes it dangerous is the fact that it is made up of millions of tiny fibres; some so small they cannot be seen by the naked eye. If the asbestos is disturbed these fibres become airborne and can be breathed deep into the lungs, where they can become stuck and cause damage.

Asbestos can scar the lungs (asbestosis), or cause cancer of the lung or cancer of the lung lining (mesothelioma). It may take from 15 to 60 years for these diseases to develop but there is no cure for them.

Who is likely to be exposed to asbestos?

From the 1950's through to the mid 1980's asbestos was used extensively in the building industry. It was thought to be an ideal insulator and fire proofing material. It has commonly been used for packing air gaps between walls and floors, for lagging pipes and boilers, in insulation boards, floor tiles, sealants and textured coatings (such as artex) and as sprayed fire insulation on structural beams and girders.

Therefore, anybody whose occupation involves them in having to disturb asbestos containing materials is likely to be exposed. The group most obviously at risk will be those involved in building maintenance and refurbishment work and would include anyone from painters and decorators to demolition contractors to computer installers and telecommunications engineers.



What measures have been taken?

The Control of Asbestos Regulations 2006 came into force on 13th November 2006.

Previous regulations had banned two of the three main types of asbestos in 1985 and the third in 1999. Second-hand use of asbestos products had also been banned.

The 2006 regulations consolidate the previous regulations into one. They prohibit the import, supply and use of all forms of asbestos, set controls for dealing with existing asbestos and layout a licensing regime for those needing to work with asbestos.

Note: The ban only applies to new use of asbestos. If existing asbestos containing materials are in good condition they can be left in place (subject to monitoring and making sure they remain undisturbed) so any property built before 2000 could contain asbestos.

Penalties for non-compliance

Non compliance with the provisions of the Control of Asbestos Regulations 2006 may lead to prosecution. The maximum penalty is an unlimited fine and/or a 2 year prison sentence.

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What do the Regulations say?

For those familiar with the previous regulations here is a summary of the main changes imposed by the 2006 regulations:

- employers can no longer carry out work on their own premises with their own employees without a licence if the work would otherwise require a licence
- there is a new control limit for all types of asbestos (0.1 asbestos fibres per cm³ of air - averaged over 4 hours)
- working with textured coatings will, generally, not require a licence

The 2006 regulations apply to all work with asbestos (licensed or not) carried out by employers, employees or the self employed.

Regulation 4 – duty to manage asbestos

The person in control of a building has a duty to manage any asbestos in it. The 'duty holder' must take reasonable steps to find out whether there are any materials containing asbestos in the building. If there are they must report where the materials are and what condition they are in. This report should be provided to anyone who has to work on or disturb these materials and a suitable risk assessment undertaken before the work commences.

Regulation 5 – identifying asbestos

No demolition, maintenance or other work which exposes employees to asbestos can be carried out on any premises until an employer has found out whether there is asbestos present, what type it is, where it is located and what condition it is in. If in doubt the employer must assume that it is present and is a dangerous type.

Regulation 7 – plans of work

A written plan of work setting out how the work is to be done must be prepared before

any work with asbestos is carried out.

Regulation 8 – licensing

Any work with asbestos must be carried out under licence from HSE unless the type of work falls within a specified list, there has been a satisfactory risk assessment and the exposure of employees to asbestos is 'sporadic and of low intensity'.

The list of work includes short, non-continuous maintenance activities, removal of materials in which the asbestos fibres are firmly linked in a matrix, encapsulation or sealing of asbestos-containing materials which are in good condition, air monitoring and control, and the collection and analysis of samples.

Regulation 10 - information and training

Every employer must give adequate information, instruction and training to employees, who are, or may be, exposed to asbestos as well as their supervisors and anyone else who carries out works on behalf of the employer under the regulations.

The training must be given at regular intervals and be proportionate to the nature and degree of exposure.

Regulation 11 – prevention or reduction of exposure to asbestos

Employers must prevent exposure to asbestos so far as is reasonably practicably. If not preventable the employer must take reasonable actions to reduce exposure without the need for employees to wear masks. If this still does not reduce exposure to below the control limit, masks must be provided which do bring exposure below the limit, and as far below it as reasonably practicable.

This is just a very brief summary of the regulations. If you feel you have any issues arising out of the 2006 regulations you should seek further, more detailed advice at www.gardandco.com.

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