



## Asbestos – Are you managing your risk?

Asbestos exposure is the greatest single cause of work-related deaths in the UK and, as the number of cases continues to rise, employers who fail to protect their employees from the dangers of asbestos exposure face heavy fines. A building surveyor was fined a total of £4000, with £4016 costs, in May for

failing to protect workers and members of the public from exposure to asbestos fibres. A member of the public raised their concerns about workers who appeared to be handling asbestos without being aware of the dangers. The HSE investigated and found that three workers were working with asbestos-containing materials scattered about the building. A prohibition notice stopped work on the site until it had been decontaminated.

The prosecuting HSE inspector found that “The workers did not know what they were dealing with. No survey had been done of 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.”

The surveyor pleaded guilty to breaches of the Control of Asbestos Regulations 2006 by not obtaining a suitable asbestos risk assessment and for failing to take measures to prevent the spread of asbestos. It was concluded that there was no suitable day-to-day management of the people on site, which would, along with a suitable survey, have helped identify and control asbestos. The surveyor should have been aware of his duty to manage the asbestos risk in a non-domestic property.

So, what is asbestos? Asbestos is a generic term for a group of mineral silicates, which, when added to other construction materials, improves heat and sound insulation, tensile strength, and acid and alkali resistance. When intact and in-situ asbestos-containing materials do not pose a danger but if damaged or disturbed they can release dangerous fibres, which can cause serious illness if breathed in.

Man has used asbestos for centuries. However, it is over the last 100 or so years that its use has been widespread – an estimated 500,000 buildings in the UK still contain asbestos-containing materials (ACMs) within their fabric.

The dangers of asbestos have long been known. First commercially mined in Canada, in 1879, it had been added to a list of dangerous dusts by the UK and French governments by the early 1900s and in 1918 one insurance company, recognising the connection between asbestos and lung disease, refused to provide life cover to asbestos workers. It wasn't, however, until 1993 when most insurance companies removed asbestos cover from their public liability policies.

The health risks associated with exposure to asbestos include asbestosis, lung cancer and mesothelioma. These diseases have relatively long latency periods of between 15 – 40 years and the problems created in the recent past will continue to have a significant impact for the foreseeable future. There are some estimates that the mortality rate for asbestos-related diseases will continue to rise from the current 4,000 per year to 10,000 deaths per year by 2016. These deaths are not limited to asbestos workers but include persons accidentally and unknowingly exposed to the harmful fibres released when asbestos containing materials are disturbed. The HSE recently announced that 20 tradesmen, including 4 electricians and 6 plumbers, die every week as a direct result of exposure to asbestos – often because they do not understand the risks of exposure.

These frightening statistics are what has driven the HSE's commitment to redraw the regulations surrounding these harmful products.

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Since 2004, duty holders (owners, occupiers, managers and those with responsibility for non-domestic premises) have had a responsibility to locate, identify, assess and manage all asbestos-containing materials on their non-domestic premises. It should be remembered that this is a **duty to manage**, not simply a duty to survey or provide a register, and over 500 local authority officers have now been trained in the requirements of the law and been instructed to raise the issue of asbestos management at every premises they visit. Should an officer be unsatisfied with the answers they receive, they **will be taking action**, which could result in improvement and prohibition notices or even prosecution. Recent cases where employers had failed to manage asbestos on their premises have resulted in fines ranging from £20,000 to £50,000 even though surveys or registers were in place.

Having had a survey carried out by a competent person, duty holders are expected to devise a written management plan outlining what action they intend to take to address high and medium risks, including a budget for the works. They must also state how they intend to monitor the condition of those ACMs they intend to leave in position and draw up emergency procedures to deal with any disturbance or release of harmful fibres.

The most recent legislation placed a requirement upon employers to ensure that any employees likely to encounter asbestos as part of their work receive suitable asbestos awareness training in an effort to eliminate accidental and unknowing exposure. There has been some concern over the last few years regarding who carries out this training and what it should include, and employers must satisfy themselves of the competency of the training providers. One way to do this is to check that they are affiliated to UKATA, ARCA or NDTG, where they will have been audited.

THSP are affiliates of ARCA, the Asbestos Removal Contractors Association. We run an Asbestos Awareness training course and can provide an asbestos consultancy service to help you establish the presence, location, quantity, nature and condition of any asbestos on your premises.

To discuss how we can provide assistance with asbestos, please call us on 08456 122 144 or email us at [enquiries@healthandsafetypepeople.com](mailto:enquiries@healthandsafetypepeople.com).

Further information about the risks posed by asbestos can be found at [www.hse.gov.uk](http://www.hse.gov.uk)

