

Newsletter Summer 2015

Changes at SB Asbestos Management Ltd

Things have recently changed here at SB Asbestos Management Ltd and Julian Wilshaw has taken over ownership and management of the company.

Steve Shutler remains with the company as principal consultant and will be working reduced hours to devote more time to his many and varied hobbies including boating and fishing. Steve can still be contacted on steve.shutler@sbasbestos.co.uk

We have also moved our Registered Office to:

7 The Villas
West End
Stoke-on-Trent
ST4 5AQ

The old landline is also now redirecting clients to our new number – 01782 730629.

Asbestos Management in Schools – Policy Review 2015



The aim of the Policy Review was to establish whether, and how, The Department for Education could improve the support available to schools, and those responsible for them, in fulfilling their duties to manage asbestos effectively. The Review also examined how the Department could help to ensure that all duty holders are taking their responsibilities seriously and what could be done to improve the evidence base on the levels of exposure in schools.

The main outcomes of the Review were that the Department for Education will:

- a) Develop better and more targeted **guidance on asbestos management in schools**.
- b) Enhance the **scrutiny on dutyholders** for managing asbestos in their schools.
- c) Look at ways to improve the **evidence base of exposure of staff and pupils to asbestos**, including thorough air- sampling in schools.
- d) Continue to **fund the removal of asbestos** where appropriate, directly and indirectly, through existing funding programmes.
- e) Encourage more academies to join the **Risk Protection Arrangement**

Upon reading the Review, a number of particularly interesting points were identified:

- Based upon the age of the school estate, the Department can estimate that a **majority of schools in England contain some asbestos**, although the exact amount is unknown.
- The Department of Health's Committee on Carcinogenicity looked into the potential harm expectancy and the long latency period for the disease to develop, and found that **children have an increased lifetime risk of developing mesothelioma compared to adults if exposed to a given dose of asbestos**. However, we do not have conclusive evidence on the relative risks of asbestos exposure in a school setting or on whether children are *intrinsically* more susceptible to harm from exposure to asbestos, due to their longer life.
- **Between 2003 and 2012 there were 224 mesothelioma deaths where the deceased's last occupation was recorded as "Teaching Professionals"**. In addition, **"Teaching Assistants"** was the recorded occupation in **8 deaths**, **"Nursery Nurses"** in **8 deaths**, and **"School Secretaries"** in **8 deaths**. These figures do not include caretakers, cleaners or other maintenance staff, but these groups are expected to be at greater risk.
- The HSE has conducted a number of inspections of asbestos management in schools. It found that most of those duty holders inspected had good systems in place, and maintained their schools and asbestos containing materials to the standards required by the Control of Asbestos Regulations (CAR). However, the HSE found some weaknesses - **between 7% and 17% of duty holders were found to be not fully compliant with some aspect of the regulations in the different surveys**. Specifically, the HSE found examples of some schools lacking adequate plans for managing asbestos, poor or no training for staff likely to disturb asbestos and poor

communications with building contractors. This suggests there is a case for strengthening accountability on duty holders to fulfil their responsibilities.

- Asbestos risks are not generally covered by public liability insurance. Local authorities will often “self-insure” but this is not generally available to schools outside local authority control. The Risk Protection Agreement (RPA) is now available to academy trusts. **The RPA offers reimbursement to academies in the event of a loss and includes the legal liability to pay compensation to employees and third parties for death or injury as a result of exposure to asbestos.** The RPA also includes a comprehensive risk management solution to those academies that opt in. This includes access to risk management training, an on-line risk assessment tool and independent risk assessment surveys.
- **The Department for Education proposes to implement a system where duty holders provide a regular report to the Education Funding Agency (EFA) about their management of asbestos.** This would help to raise the profile of asbestos management in schools, help the Department target the support it provides and strengthen the incentives on duty holders to manage asbestos effectively.

The full Report can be accessed via the following link:

<https://www.gov.uk/government/publications/asbestos-in-schools-policy-review>

ARCA Issue Guidance on Textured Coatings & Electrical Isolations during Asbestos Work



ARCA - The Asbestos Removal Contractors Association issues guidance for their members on various aspects of asbestos remediation. Whilst having no formal authority these publications can help to fill gaps in HSE documents. The currently available guidance documents are:

Monitoring of Airborne Asbestos Fibre [download](#)

Selection of Personal Protective Equipment for Work with Asbestos [download](#)

Selection, Use, Care and Maintenance of Respiratory Protective Equipment (RPE) for use during Asbestos Removal Operations [download](#)

Encapsulation of Asbestos Containing Materials [download](#)

Clients Responsibilities Regarding the Management of Asbestos Projects [download](#)

Two new publications on textured decorative coatings and electrical hazards have recently been issued but as yet can only be viewed by going to the online version of ARCA News Issue 88 at:

http://issuu.com/stevesadley/docs/arca_news_iss88_spring15_final?e=12753635/12353769

The guidance on work with textured coatings helps to clarify when notification is required (even though the work is not normally licensed) and the recently introduced requirements for mechanically ventilated enclosures where substantial work on these coatings is planned.

The second document: **Electrical Isolations and Asbestos Work** points out that electrical hazards can be many and varied including poorly maintained installations in clients' premises, the need to remove electrical fixtures and fittings before asbestos can be removed and the necessity to use liquid dust suppressants. ARCA stresses the need for proper risk assessment in advance of work and isolation of live conductors with certified lock-off procedures.

Asbestos Exposure During Work on Vehicle Brakes

While new friction materials used in UK vehicles must be asbestos free there is the potential for mechanics to be exposed to asbestos dust when old brake and clutch linings are removed. Less well known is the possibility of asbestos in automatic transmissions. Limited guidance for the control of asbestos hazards during automotive maintenance is available on the HSE website at <http://www.hse.gov.uk/mvr/mechanical-repair/asbestos.htm> but this only states:

- *never blow dust out of brake drums or clutch housings with an airline*
- *use properly designed drum cleaning equipment which prevents dust escaping;*
or
- *use clean, wet rags to clean drums or housings*

HSG261 Health and safety in motor vehicle repair and associated industries repeats the same 3 bullet points.

Asbestos Essentials – HSG210 has a somewhat more detailed method at *a18 – Removing asbestos friction linings*. This method includes the use of a HEPA vacuum and damp rags with standard asbestos PPE in the form of disposable coveralls and FFP3 respiratory

protection.

More comprehensive guidance is available from the North American Regulators OSHA at <https://www.osha.gov/dts/shib/shib072606.html>

Here 2 methods are specified – a small negative pressure enclosure with a transparent window and impermeable sleeves or a wet wash-down system – see photographs of both methods below.



Review of HSE document ***Great Britain Asbestos Survey 1971 – 2005 – Mortality of Workers Listed on the Great Britain Asbestosis and Mesothelioma Registers*** published in 2010 shows only one record of the death of a ‘brake lining driller’.

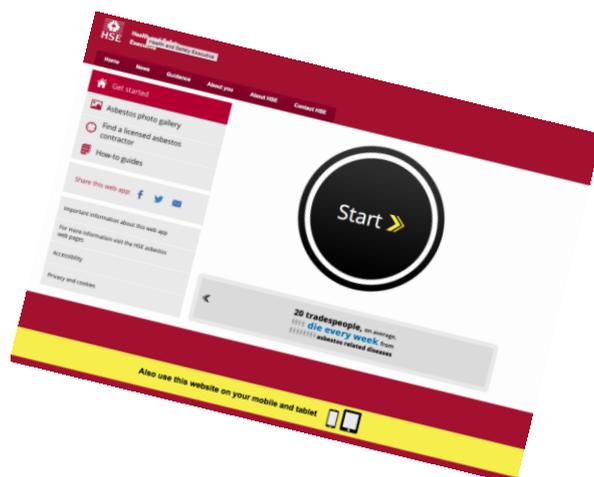
A wider review of other media might indicate the problem to be more significant. In 2014 solicitors Irwin Mitchell acted for the widow of a Middlesbrough local authority mechanic who died from mesothelioma, which was alleged to have resulted from exposure during vehicle maintenance. Similar cases are reported in a former Standard Triumph worker in 2013, and mechanics from Ilkeston in 2012 and Peterborough in 2011.

An interesting study is reported in ***The Annals of Occupational Hygiene***, 2015, Vol.59, No.3, 292-306. *Asbestos Exposure among Transmission Mechanics in Automotive Repair Shops*. Here scientists from the US and Columbia reviewed asbestos exposure of garage workers

re-lining clutch plates with asbestos materials, which is still permitted in Columbia. The work included removal of old linings and drilling, riveting, sanding and occasionally grinding the asbestos linings to fit to old back plates. Air sample results revealed that on at least one of the days sampled all riveters were exposed to asbestos concentrations that exceeded both the US and Columbian permissible exposure limits. Additionally 4.3% of short-term personal samples exceeded 1 f/ml.

In another report in the US, this time involving brake shoes, Canadian researcher Murray M Finkelstein describes a garage owner who purchased a large stock of old Bendix brake linings which he attached to old shoes, which often necessitated grinding to refit to the brake drums. Later the owner died from pleural mesothelioma and, upon post mortem, Tremolite asbestos fibres were recovered from lung tissue. Bendix brake linings were manufactured from Canadian Chrysotile which is known to be contaminated with amphibole asbestos including Tremolite.

Criticism of HSE Asbestos Awareness App



As part of the most recent asbestos awareness campaign, the HSE has produced an App to help building tradespersons reduce the risk of exposure to asbestos when working on non-licensed materials. The App can be used on computers, tablets and mobile phones using <http://www.beware-asbestos.info>

The App takes the user through a series of steps; initially the type of building, then if the work is external or internal followed by the date of construction (pre / post 2000). This reveals a list of possible asbestos containing materials that may be present. The next step - that of work methods and precautionary measures - has caused significant controversy. For example, the advice for drilling holes in asbestos insulating board makes no mention of

training.

This serious omission was highlighted by UKATA – The United Kingdom Asbestos Training Association. This included an item in the Daily Star criticising former England footballer Stuart Pearce for supporting the HSE initiative. <http://www.dailystar.co.uk/news/latest-news/426551/Stuart-Pearce-experts-asbestos>. Stuart Pearce is concerned that he was exposed to asbestos when an electrician.

Kären Clayton, HSE Director Long Latency Health Risks Division, rejected the criticism saying that the App supplemented existing advice and was intended to reach an audience that might otherwise be ignorant of the dangers. <http://press.hse.gov.uk/2015/hse-responds-to-criticism-of-its-beware-asbestos-campaign-from-the-united-kingdom-asbestos-training-association-ukata/>

CDM Regulations 2015



Following an extensive consultation process ***The Construction (Design and Management) Regulations 2015*** came into force on 6 April 2015. Aimed at ensuring construction risks are identified and properly managed, the regulations also cover areas such as coordination, communication and worker engagement.

The Regulations build upon the 2007 Regulations but make some important changes which are explained in detail in 90 pages of HSE Guidance which can be downloaded free of charge at <http://www.hse.gov.uk/pubns/priced/l153.pdf>

Notification of projects is required when a project lasts longer than 30 working days and has more than 20 workers working simultaneously at any point in the project, or exceeds

500 person days.

It is important to remember that The CDM Regulations apply to **ALL** construction work, even domestic work, and not just notifiable projects.

It is also important to realise that asbestos removal falls within the scope of CDM as the definition of “Construction Work” in Regulation 2 is clearly stated to include:

- (a) ...de-commissioning, demolition or dismantling of a structure;
- (d) the removal of a structure, or of any product or waste resulting from demolition or dismantling of a structure...'

Five roles are defined in the Regulations:

- The Client
- Principal Designer (replaces the old CDM Coordinator)
- Designer
- Principal Contractor
- Contractor

There are significant implications for clients and designers. In summary, both parties have responsibilities to ensure that projects are completed safely.

In addition to the ACoP the HSE has issued a number of short guides and even a draft ‘Construction Phase Plan’. Newsletter readers can access all of this information via the HSE website at <http://www.hse.gov.uk/construction/cdm/regulation-changes.htm>

New Guidance on the Horizon?

Asbestos: The Analysts’ Guide, HSG248

Progress on new and revised asbestos guidance continues to be lamentably slow but there might be some indication the draft Analyst’s Guide might appear anytime now. The most recent Asbestos Liaison Group (ALG) minutes stated that this publication would appear in draft form by ‘the end of March’ (it didn’t!) with the ‘final version published by the summer although timings may be affected by the General Election’.

Asbestos: The Licensed Contractors' Guide, HSG247

On this publication the ALG minutes are particularly gloomy stating: 'This has not progressed as quickly as hoped'.

Abrasive Blasting Removal Systems

Guidance was to be issued as an ALG memo but we are now informed that this subject will be covered in the Licensed Contractors' Guide – which 'has not progressed as quickly as hoped'.

Other Trades Entering Live Enclosures

Yet again the ALG minutes state that this subject will be covered in the Licensed Contractors' Guide!

Recent Prosecutions

Royal Liverpool Hospital Exposed Workers to Asbestos for 7 Years



<http://press.hse.gov.uk/2015/liverpool-nhs-trust-in-court-over-deadly-asbestos-fibres/>

Asbestos Removal Contractor Had No Licence. Suspended Jail Sentence – Leeds

<http://press.hse.gov.uk/2015/leeds-traders-suspended-jail-sentence-over-asbestos-exposure/>

Roof Cladding Firm Lied About Asbestos “Approvals” - Suffolk

<http://press.hse.gov.uk/2015/suffolk-company-in-court-for-unsafe-asbestos-removal/>

Building Owner Had Asbestos Survey But Used Un-Licensed Contractor – North Wales

<http://press.hse.gov.uk/2015/businessman-fined-for-asbestos-failure-in-colwyn-bay/>

Prosecution Following Work on Asbestos Roof - Northamptonshire

<http://press.hse.gov.uk/2014/northamptonshire-firms-fined-for-asbestos-failings/>



‘Taking a Sensible Approach to Asbestos’

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