



# FALKIRK COUNCIL

# ASBESTOS POLICY



November 2012

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## **PART 1**

### **1.1 INTRODUCTION**

Falkirk Council aims to provide a safe and healthy environment for all employees and service users of Council properties. Asbestos has been used for the past 150 years and is consequently present in a large number of buildings, workplaces and homes throughout Scotland. Where asbestos is in good condition and is undisturbed it presents no significant health risk.

This policy takes into account the requirements of The Control of Asbestos Regulations 2012 (CAR 12). All surveys and sampling will be in line with the Health and Safety Executive (HSE) document Asbestos: The survey guide (HSG 264)

## **PART 2**

### **2.1 POLICY STATEMENT**

Falkirk Council is committed to maintaining the health and safety of employees and members of the public. The Council recognises the health risks associated with asbestos and will take all reasonable steps to identify the location of asbestos in workplaces, housing stock and leased properties and will put in place measures to ensure that no person is put at risk, while at work or when using Council properties, as a result of the disturbance of asbestos fibres.

The Council will ensure that all Council workplaces are surveyed for asbestos and, where asbestos is identified, will ensure that all possible steps are taken to prevent exposure of employees, service users, contractors or visitors to any risks from asbestos arising out of the Council's activities.

The Council will take all reasonably practicable steps to ensure that no work is carried out on workplaces, housing stock or leased properties without first checking for the presence of asbestos. Where asbestos is present, the Council will ensure that methods of work are implemented to ensure that no asbestos fibres are released into the environment.

All properties in which asbestos is identified will be subject to regular monitoring by the appropriate property management team to ensure that the risk is contained and managed.

### **2.2 SCOPE**

This Policy applies to all Falkirk Council workplaces, housing stock and leased properties and all work undertaken in these properties on the Council's behalf.

The Policy applies to Council employees, contractors undertaking work on the Council's behalf and anyone likely to be put at risk from work on those properties.

This Policy complements the Health and Safety Policy, the Risk Management by Risk Assessment Policy and the Accident/Incident Reporting Policy.

## 2.3 ASBESTOS DEFINITION

Asbestos is a naturally occurring mineral fibre that was used widely by the building industry, prior to the year 2000, as an electrical insulating and fire retardant material when mixed with a variety of other materials. Asbestos containing materials (ACMs) can be found in a wide range of locations such as:

- Ceiling tiles
- Wall boards
- Floor tiles
- Electrical insulation
- Ceiling coatings
- Pipe lagging

Asbestos cement was widely used for roofing and pipework. While the asbestos is bound in the cement it is a relatively safe material to handle. However, only specially trained workers can undertake work with these material i.e. competent asbestos workers.

It is a legal requirement that all types of ACMs, must be handled by either specially trained employees or by licensed contractors. Falkirk Council employees will not attempt to handle or carryout work on this type of material unless trained to do so.

Exposure to asbestos is known to cause diseases such as mesothelioma and lung cancer, which is the cause of up to 4000 deaths per year (HSE information). Those suffering from an asbestos related disease will have inhaled a significant amount of asbestos, sometime in the past 15 to 60 years.

## 2.4 LEGAL REQUIREMENTS

The Control of Asbestos Regulations 2012 (CAR 12) defines legal duties of employers in the management of asbestos management systems to minimise the risk to health from exposure to asbestos fibres at work. The Head of Roads & Design Services, Head of Housing Management Services and Head of Economic Development and Environmental Services have responsibility for workplace premises, housing stock and leased properties, respectively. In line with the general requirements of the revised asbestos regulations, they are each responsible for ensuring that, for their respective premises:

- Competent person(s) are appointed in Development and Corporate and Neighbourhood Services to provide support and guidance in all aspects of asbestos management in their Service's areas of responsibility;
- A suitable and sufficient assessment is carried out to determine whether asbestos is, or is likely to be present in each of the premises;
- This assessment is reviewed if there is a significant change to the premises;
- A risk assessment is undertaken for those premises where asbestos is, or is likely to be present;
- There is a written plan for those premises where asbestos is, or is likely to be present which:
  - identifies where on the premises asbestos is, or is likely to be present;
  - specifies the measures that are to be taken to manage the risk;
  - details how the ACM is to be monitored;

- details how any ACM is to be maintained or, where appropriate, removed.
- The findings from these assessments, reviews and risk assessments are recorded in an “Asbestos Register”;
- Information about the location and condition of ACMs is communicated to the relevant premises manager to allow them to provide this information to every person likely to disturb it and, where required, to the emergency services;
- The written plan for each premises is reviewed as appropriate;
- There is a management system in place to ensure that no repair or maintenance work is undertaken on the premises without first referring to the Asbestos Register.

## **2.5 IDENTIFICATION OF ASBESTOS**

In order to assess whether asbestos is, or is likely to be present in each of the premises, the Council will undertake a Management Survey, (see section 2.7 for explanation) of all premises in accordance with the HSG 264, to identify the location and condition of asbestos in readily accessible locations. Any identified asbestos will be monitored as defined in the premises specific risk assessments. Non-accessible areas in each property- where a survey of asbestos was not able to be undertaken - will be clearly identified to ensure that, prior to any major work being undertaken in the future, this property or area is surveyed as part of a pre-tender health and safety plan.

All survey results will be held within an Asbestos Register which will contain information on the location, type, type of material and condition of the asbestos. Details of the information contained within the register will be made available to the premises manager as required. Where properties are leased by Falkirk Council to other parties, the Head of Economic Development and Environmental Services will ensure that there is a management system in place to ensure that details of the information contained within the register relating to leased properties is made available to leaseholders for communication to the relevant premises managers.

Where the Council leases premises from a private landlord, the Service in conjunction with Economic Development & Environmental Services, Business Support will liaise with the landlord and agree the conditions of the lease to ensure responsibilities in relation to asbestos management are clearly defined and meet the requirements of Asbestos Legislation.

Following the asbestos survey, a risk assessment considering the potential exposure to asbestos and likelihood of degradation of the material will determine the action to be taken to minimise the risks. This will result in either a repair and/or monitoring programme, or, in rare cases, removal of ACMs. The monitoring programme will ensure the continuing good condition of the ACMs in each property.

## **2.6 CONTROL OF ASBESTOS WORKS**

In order to minimise the risk to employees and service users, Falkirk Council will ensure that all work that may involve working with ACMs is subject to rigorous control.

### **Repair and Maintenance:**

Prior to any repair and/or maintenance work being undertaken on workplaces, housing stock or leased properties, the relevant Asbestos Register will be checked to determine if the work involves or will affect ACMs. Where no ACMs are identified, work will progress as normal. Where ACMs are identified, or where there is uncertainty as to the presence of ACMs, work will be undertaken as detailed at 2.7.

### **Construction Design and Management Projects:**

Prior to detailed project design work being undertaken on workplaces, housing stock or leased properties, the relevant Asbestos Register will be checked to determine if the work involves or will affect ACMs. A refurbishment and demolition survey, as defined in HSG 264 will be undertaken on affected areas within the existing building and the results of the survey will be used to ensure that the Pre-Tender Health and Safety plan takes account of the findings.

### **Use of Licensed Contractors:**

Any work where asbestos is present, or is liable to be present, will be allocated to a licensed contractor as approved by the Health & Safety Executive (HSE) unless it is considered to be limited work as detailed at 2.7

## **2.7 TYPES OF ASBESTOS WORKS**

All those undertaking work on Falkirk Council properties that involve ACMs will be appropriately trained or licensed by the HSE,

There are two different types of asbestos survey: a management survey and a refurbishment/demolition survey. The type of survey required of a premise will vary over time. A management survey will be required during the normal occupation and use of the building to ensure continued management of the ACMs in situ. A refurbishment/demolition survey will be necessary when the building (or part of it) is to be upgraded, refurbished or demolished. It is possible that at larger premises a mixture of survey types will be appropriate, e.g. a boiler house due for demolition will require a refurbishment/demolition survey, while offices at the same site would have a management survey. In later years refurbishment surveys may be required in rooms or floors which are being upgraded.

### **Management Survey**

The purpose of a management survey is to, as far as reasonably practicable, identify the location of, and assess the condition of ACM's in the building which could be damaged or disturbed during normal occupancy, including foreseeable maintenance and installation. Management surveys will often involve minor intrusive work and some disturbance. The extent of intrusion will vary between premises and depend on what is reasonably practicable for individual properties, i.e. it will depend on factors such as the type of building, the nature of construction, accessibility etc. A management survey should include an assessment of the condition of the various ACMs and their ability to release fibres into the air if they are disturbed in some way.

## **Refurbishment and demolition surveys**

A refurbishment and demolition survey is needed before any refurbishment or demolition work is carried out. This type of survey is used to locate and describe, as far as reasonably practicable, all ACMs in the area where the refurbishment work will take place or in the whole building if demolition is planned. The survey will be fully intrusive and involve destructive inspection, as necessary, to gain access to all areas, including those that may be difficult to reach. A refurbishment and demolition survey may also be required in other circumstances, e.g. when more intrusive maintenance and repair work will be carried out or for plant removal or dismantling. There is a specific requirement in CAR 2012 (regulation 7) for all ACMs to be removed as far as reasonably practicable before major refurbishment or final demolition. Removing ACMs is also appropriate in other smaller refurbishment situations which involve structural or layout changes to buildings (e.g. removal of partitions, walls, units etc). Under Construction (Design and Management) Regulations 2007, the survey information should be used to help in the tendering process for removal of ACMs from the building before work starts. The survey report should be supplied by the Council to designers and contractors who may be bidding for the work, so that the asbestos risks can be addressed. In this type of survey, where the asbestos is identified so that it can be removed (rather than to 'manage' it), the survey does not normally assess the condition of the asbestos, other than to indicate areas of damage or where additional asbestos debris may be present. However, where the asbestos removal may not take place for some time, the ACMs' condition will need to be assessed and the materials managed.

## **Appointment of Surveyors**

Falkirk Council will ensure, so far as is reasonably practical, that the organisation or individual is technically competent to carry out the survey, adequately and safely and can allocate adequate resources to it. Falkirk Council will, as part of the procurement process:

Stage 1: Undertake an assessment of the individual's or company's survey expertise. Also assess their knowledge of health and safety, to determine whether these are sufficient to enable them to carry out the survey competently, safely and without risk to health.

Stage 2: Undertake an assessment of the individual's or company's experience and track record to establish if it is capable of doing the work and that it recognises its limitations.

## **Licensed Work**

Most work with asbestos needs to be carried out by a licensed contractor. This includes work on asbestos coating and asbestos lagging and work on asbestos insulation or asbestos insulating board (AIB) where the risk assessment demonstrates that the fibre release will be high, e.g. the material is badly damaged, or the work is not short duration work. 'Short duration' means any one person doing this type of work for less than one hour, or more people doing the work for a total of less than two hours, in any seven consecutive days. The total time spent by all workers must not exceed two hours. This includes time spent setting up, cleaning and clearing up.

## **Non-Licensed Work**

Non-licensed work includes work on asbestos containing textured coatings and asbestos cement.

Some non-licensed work, where the risk of fibre release is greater, is subject to three additional requirements – notification of work, medical examinations and record keeping (the requirement for medical examinations does not come into force until April 2015). This work is known as notifiable non-licensed work (NNLW). See Appendix 1 for further details of this type of work.

Specialist training will be provided to Falkirk Council employees prior to undertaking any work on ACMs. All work will be undertaken under the following conditions:

- All work will be subject to written work plans, methods of work and risk assessments;
- Systems for notification to the HSE of work on asbestos will be in place;
- Procedures will be in place for identifying where there is a requirement to notify the HSE of new work plans prior to work being carried out;
- All trained employees who carry out NNLW will be subject to regular occupational health checks;
- Employees will be fully competent in the work and will receive regular re-training regarding handling asbestos;
- Air sampling of the work will be undertaken on a regular basis to ensure that work plans, methods of work and risk assessments are still effective;
- Appropriate procedures and licences are obtained for waste transfer of ACMs;
- Records of employees involved in work on ACMs will be held.

#### **Licensed Contractors:**

Where the presence of ACMs is confirmed, and the work is not considered to be non-licensed work which can be undertaken by non-specialist employees, the Council will employ specialist contractors. These contractors must be licensed by the HSE and be on the Council Approved Contractor list. All work that requires clearance certificates will have the air tests carried out by a separate independent Test laboratory.

#### **Sampling and air tests.**

The Repairs & Maintenance Division within Corporate and Neighbourhood Services and Building Design Facilities within Development Services will retain a list of Falkirk Council approved test laboratories who have been accredited by United Kingdom Accreditation Scheme (UKAS) as competent in undertaking sampling, air testing and analysis. All sampling of materials and air testing for airborne asbestos fibres will be undertaken by one of these approved laboratories. Falkirk Council employees will not take samples from suspected ACMs unless they have been formally trained to MDHS 100 standards.

## **2.8 TRAINING**

All employees who are involved in work with asbestos or who have a role in the management of asbestos will receive training and/or awareness relevant to their role. This training will include procedures to be followed if ACM's are disturbed accidentally. Records of training, certificates etc will be retained. The training courses will be scheduled regularly throughout the year to allow any new employees to receive this training at the earliest opportunity.



## 2.9 ROLES AND RESPONSIBILITIES:

### THE CHIEF EXECUTIVE AND CHIEF OFFICERS

The Chief Executive and Chief Officers of the Council are responsible for the effective operation of the Policy across the Council as a whole and for ensuring development of effective management systems to implement the Policy within Services. They are also responsible for ensuring that adequate resources are available to implement appropriate procedures, train key personnel, meet the sampling/testing requirements and ensure appropriate protective measures are taken as identified in the Policy.

### HEAD OF ROADS and DESIGN (Development Services)

The Head of Roads and Design is responsible for ensuring that, for workplace premises:

- Competent person(s) are appointed in Development Services to provide support and guidance in all aspects of asbestos management in their Services areas of responsibility;
- A suitable and sufficient assessment is carried out as to whether asbestos is, or is liable to be present in each of the premises;
- This assessment is reviewed if there is a significant change to the premises;
- A risk assessment is undertaken for those premises where asbestos is, or is liable to be present;
- There is a written plan for those premises where asbestos is, or is liable to be present which:
  - identifies where on the premises asbestos is, or is liable to be present
  - specifies the measures that are to be taken to manage the risk;
  - details how the ACM is to be monitored;
  - details how any ACM is to be maintained or, where appropriate, removed.
- The findings from these assessments, reviews and risk assessments are recorded in an “Asbestos Register”;
- Information about the location and condition of ACM’s is communicated to the relevant premises manager to allow them to provide this information to every person liable to disturb it and, where required, to the emergency services;
- The written plan for each premises is reviewed as appropriate;
- There is a management system in place to ensure that no repair or maintenance work is undertaken on the premises without first referring to the Asbestos Register.

The Head of Roads and Design is responsible for ensuring that all design projects are undertaken in line with the Asbestos Policy and that information regarding work on ACMs is recorded in the relevant Asbestos Register as soon as the work is complete. Where the design project has implications for room reference numbers held on the Asbestos Register, the Head of Roads and Design will also ensure that new, single line or CAD drawings are forwarded to the relevant division as soon as possible to allow them to update the Asbestos Register and, where appropriate, amend room reference numbers.

## **HEAD OF HOUSING, (Corporate & Neighbourhood Services)**

The Head of Housing is responsible for ensuring that, for Council housing stock:

- Sufficient resources are available for the management of asbestos in Falkirk Council Housing and for planned upgrades of housing.

## **HEAD OF PROCUREMENT AND RESOURCES (Corporate & Neighbourhood Services)**

The Head of Procurement and Resources is responsible for ensuring that:

- Resources are available for the management of contracts for asbestos surveys, removal, air testing and for monitoring of performance;
- Management systems and procedures are in place for the control and management of asbestos for employees at work.

## **The Property and Asset Manager**

The Property and Asset Manager is responsible for ensuring that, for Council housing stock:

- Competent person(s) are appointed in Corporate and Neighbourhood Services to provide support and guidance in all aspects of asbestos management in their Services areas of responsibility;
- A suitable and sufficient assessment is carried out as to whether asbestos is, or is liable to be present in each of the premises e.g. common areas;
- This assessment is reviewed if there is a significant change to the premises;
- A risk assessment is undertaken for those premises where asbestos is, or is liable to be present;
- There is a written plan for those premises where asbestos is, or is liable to be present which:
  - identifies where on the premises asbestos is, or is liable to be present
  - specifies the measures that are to be taken to manage the risk;
  - details how the ACM is to be monitored;
  - details how any ACM is to be maintained or, where appropriate, removed.
- The findings from these assessments, reviews and risk assessments are recorded in an “Asbestos Register”;
- Information about the location and condition of ACMs is communicated to the relevant premises manager to allow them to provide this information to every person liable to disturb it and, where required, to the emergency services;
- The written plan for each premises is reviewed as appropriate;
- There is a management system in place to ensure that no repair or maintenance work is undertaken on the premises without first referring to the Asbestos Register.
- Where required, employees are trained to undertake work on non licensed, notifiable work, as appropriate.
- Where it is agreed that employees will undertake limited work on ACMs, appropriate risk assessments, procedures and monitoring programmes are developed for all employees who undertake this work.

## **COMPETENT PERSON**

The competent person(s) in Corporate & Neighbourhood Services and Development Services will be responsible for the provision of specialist knowledge on the management of asbestos to Services to aid the Services in ensuring working practices adopted are appropriate to the ACM's in their premises. They will:

- Ensure the maintenance of Asbestos registers;
- Provide technical advice on work on, or removal of asbestos;
- Assist in the development of work procedures.

The competency in asbestos shall be in part qualifications, knowledge of legislation and in having relevant experience in the management of asbestos.

## **HEAD OF ECONOMIC DEVELOPMENT & ENVIRONMENTAL SERVICES**

The Head of Economic Development and Environmental Services is responsible for ensuring that, prior to the lease of any properties on leased premises portfolio:

- A suitable and sufficient assessment is carried out as to whether asbestos is, or is liable to be present in each of the premises;
- This assessment is reviewed if there is a significant change to the premises;
- A risk assessment is undertaken for those premises where asbestos is, or is liable to be present;
- There is a written plan for those premises where asbestos is, or is liable to be present which:
  - identifies where on the premises asbestos is, or is liable to be present
  - specifies the measures that are to be taken to manage the risk;
  - details how the ACM is to be monitored;
  - details how any ACM is to be maintained or, where appropriate, removed.
- The findings from these assessments, reviews and risk assessments are recorded in an "Asbestos Register";
- Information about the location and condition of ACMs is communicated to leaseholders for communication to the relevant premises managers.

In addition, at the end of the lease of each premises, the Head of Economic Development & Environmental Services is responsible for ensuring that:

- The written plan for each premises is reviewed as appropriate;
- There is a management system in place to ensure that no repair or maintenance work is undertaken on the premises without first referring to the Asbestos Register.

The Head of Economic Development & Environmental Services will develop and maintain procedures to provide general advice for members of the public enquiring about asbestos in the environment, either for the member of the public's own use or for information on their own building alterations, repairs, emergency and waste disposal.

The Head of Economic Development & Environmental Services will also provide information and guidance to ensure they comply with the requirement to carry out Local Authority enforcement.

### **PREMISES MANAGERS OF FALKIRK COUNCIL WORKPLACES**

The premises manager of each Council workplace will have access to information about asbestos in their property and is responsible for ensuring that information about the location and condition of ACMs is communicated to every person liable to disturb it and, where required, to the emergency services.

The premises manager is responsible for the development of a local procedure to monitor ACMs for vandalism or damage. This procedure must also ensure that no work on ACMs is undertaken within their premises without the authority of Business Service, Facilities Management Division. The manager is also responsible for ensuring that appropriate action is taken if the material is disturbed or damaged.

If the material is damaged, the area must be closed off immediately. The Property Repair Centre should be contacted on Ext. 3040, (Ext 3050 outwith normal working hours) to advise that there is damaged asbestos in need of repair. The manager should also contact the Council Health Safety & Care Team on Ext. 6245 or 6264 as soon as possible.

### **ALL EMPLOYEES INVOLVED IN THE PROCUREMENT OR ARRANGING OF WORK TO COUNCIL WORKPLACES, HOUSING STOCK OR LEASED PROPERTIES**

All employees involved in the procurement or arranging of work to Council workplaces, housing stock or leased properties are responsible for ensuring that the relevant Asbestos Register is checked to identify if asbestos will be affected by the work prior to requesting the work. Where ACMs may be affected by the work, they are responsible for liaising with the relevant property management team to agree how the work is to be completed and by whom.

### **EMPLOYEES**

Employees will be informed if asbestos is in their immediate work area, or is suspected to be present, and will be advised of any appropriate actions. Employees will be required to report immediately any deterioration in asbestos material to their line manager.

## **PART 3**

### **3.1 MONITORING & REVIEW**

The Head of Human Resources, in conjunction with Service Directors and Trade Unions, will monitor and review this policy on a regular basis.

## Notifiable Non-licensed Work

To decide if the work is Notifiable Non-licensed Work (NNLW), consideration must be given to the type of work to be carried out, the type of material to be worked on and its condition. The table overleaf provides a flow chart on the decision process to be used. A definition of the terms used is provided below:

### ■ What is the work to be done?

**Maintenance** – e.g. drilling holes to attach fittings or pass cables through, painting, cleaning etc. Maintenance includes some removal where it is incidental to the main task, e.g. removing an asbestos ceiling tile to allow inspection; or

**Removal** – e.g. as part of a refurbishment or redesign project; or **Encapsulation** – eg work to enclose or seal asbestos materials in good condition; or **Air monitoring and control, and the collection and analysis of samples.**

### ■ What is the condition of the asbestos:

Is it **friable?** – the more friable a material is, the more likely it will release asbestos fibres when worked on and the greater the risk of exposure. Materials such as asbestos insulation are more friable than materials such as asbestos cement; and

**How firmly is the asbestos bonded in a matrix?** (For removal work only) – Asbestos containing materials (ACMs) where the asbestos is coated, covered or contained within another material, such as cement, paint or plastic are considered to be firmly bonded in a matrix; and

**Has the material been damaged or is it in poor condition?** – e.g. badly flood or fire damaged; and

**Will the materials' matrix be destroyed when worked on?** – e.g. deteriorating textured decorative coatings ('Artex') with gel or steam.

Once these elements have been considered, the decision flow chart below will help to determine which category the work with asbestos is. Further information can be obtained from the HSE website.

In summary, most work with firmly bonded materials in good condition such as asbestos cement, bitumen, plastic, resin, rubber, roofing felt, paper linings, cardboard, textiles, gaskets, washers and rope etc will not need to be notified. Short duration 'maintenance' work involving AIB which is in good condition will also not normally need to be notified, NNLW will normally include short duration maintenance and removal work with asbestos insulation, removal of textured decorative coatings where the material is destroyed e.g. by scraping it off, and short duration removal of AIB as part of refurbishment.

The link below should be used to report any Notifiable non-licensed work

<https://extranet.hse.gov.uk/lfservlet/external/asbnnlw1>

# Decision Flow Chart

Use this simple flow chart to help you decide who needs to do the work:

