

DUNDEE CITY COUNCIL

REPORT TO: Policy and Resources Committee 12 January 2004

REPORT ON: The Council's Policy on the Management of Asbestos in Buildings

REPORT BY: City Architectural Services Officer and Assistant Chief Executive
(Management)

REPORT NO: 11-2004

1 PURPOSE OF REPORT

- 1.1 The purpose of the report is to seek approval of the Policy.

2 RECOMMENDATION(S)

- 2.1 It is recommended that the Committee approves the policy to enable compliance with the Control of Asbestos at Work Regulations 2002.

3 FINANCIAL IMPLICATIONS

- 3.1 An allowance of £174,000 per annum has been made in the 3 year capital budgets for surveys, laboratory costs, personal protective equipment and removal costs.
- 3.2 A similar allowance is required for the years 2004/2005, but these additional allowances should be reviewed annually.
- 3.3 The financial costs of undertaking survey work and any remedial works arising out of construction projects where asbestos containing material is found needs to be financed from within the budget for each project.

4 LOCAL AGENDA 21 IMPLICATIONS

- 4.1 The proposal will ensure that the health is protected by creating safe, clean, pleasant environments, wherever possible in which we work.

5 EQUAL OPPORTUNITIES IMPLICATIONS

- 5.1 None.

6 BACKGROUND

- 6.1 The Control of Asbestos at Work Regulations 2002 require the Council to manage the risk from asbestos in all non-domestic premises ensuring that a suitable and sufficient risk assessment is carried out in relation to the presence of asbestos in buildings over which the Council has control.

- 6.2 This is a new requirement that comes into effect on 24 May 2004. After that date no work shall be undertaken in such buildings that may disturb the fabric of the building unless a written risk assessment has already been conducted, to determine and control the risk of exposure to asbestos fibres.
- 6.3 If no such risk assessments exist by 24 May 2004 for the risk from the presence of asbestos, then work that is liable to disturb the fabric of the building can only be undertaken be presuming that it is an asbestos containing material and all the necessary control measures for working with asbestos are in place.
- 6.4 This policy provides a framework for conducting such risk assessments to protect the health and safety of our employees, contractors and affected occupants of Council buildings.

7 CONSULTATION

- 7.1 All Directors, Chief Officers and the relevant trade unions have been consulted in the preparation of this report.

8 BACKGROUND PAPERS

- 8.1 No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information), were relied on to any material extent in preparing this report.

John Porter
City Architectural Services Officer

17 December 2003

Jim Petrie
Assistant Chief Executive (Management)

17 December 2003

DUNDEE CITY COUNCIL

**MANAGEMENT OF
ASBESTOS IN BUILDINGS
POLICY
(FINAL)**

INTRODUCTION

Dundee City Council has stated its commitment, through the Council's Health & Safety Policy, to take all reasonable steps to ensure the health, safety and welfare at work of all its employees and others including service users, visitors, contractors, clients, tenants and members of the public who may be affected by its acts or omissions.

The purpose of this policy is to:

- ensure that Dundee City Council complies with the appropriate asbestos related legislation.
- establish clear guidelines to be adopted whenever asbestos is encountered in premises owned or occupied by Dundee City Council .

DEFINITION

Asbestos is a fibrous mineral, which is strong and highly resistant to heat and chemical attack. Due to its fibrous nature, it can be woven into fabrics and used as reinforcement for cement and plastics. In the past, asbestos's versatility made it a popular building material.

Asbestos is most likely to be found in the following materials:

- a) sprayed asbestos and loose packing - generally used as fire breaks in ceiling voids;
- b) sprayed asbestos mixed with hydrated asbestos cement - generally used as fire protection in ducts, fire breaks, panels, partitions, soffit boards, ceiling panels and around structural steel work;
- c) moulded or preformed sprayed coatings and lagging - generally used as thermal insulation of pipes and boilers;
- d) insulating board used as fire protection, thermal insulation, partitioning and ducts;
- e) certain ceiling panels;
- f) millboard, paper products used for insulation of electrical equipment (asbestos paper has been used as a fire proof on wood fibre board);
- g) asbestos cement sheet products compressed into corrugated or flat sheets. Corrugated sheets are largely used as roofing and wall panelling;
- h) other asbestos cement products include guttering, rainwater conductors and water tanks;

The three main types of asbestos are :-

Crocidolite (blue)
Amosite (brown)
Chrysotile (white)

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All forms of asbestos are potentially dangerous, but crocidolite and amosite are known to be more hazardous than chrysotile. Since the pigmentation of asbestos is only present in its unprocessed state, asbestos cannot be identified by its colour.

HEALTH EFFECTS

Breathing in air containing asbestos dust (fibres) can lead to asbestos-related diseases, mainly affecting the chest and the lungs. The principle diseases known to be caused by exposure to asbestos are asbestosis, lung cancer and mesothelioma. There is usually a long delay between first exposure to asbestos and the onset of disease. It is generally assumed that the risk of disease is proportional to total exposure but according to research the risk of mesothelioma is also strongly related to the time since first exposure.

The presence of asbestos in a building does not however itself present a risk, provided it is in good condition, sealed or in such a location that is not likely to be damaged or worked upon. Wherever asbestos materials are located, there is risk if the materials are disturbed and damaged releasing asbestos fibres. This means that, whilst all building occupiers are potentially exposed, workers engaged in maintenance and repair work are particularly vulnerable. There is therefore a need for the Council to ensure that building occupiers and employees and contractors engaged in maintenance work are not exposed unnecessarily to airborne asbestos fibres.

BACKGROUND

The Economic Development Department and Architectural Services have been maintaining a register of locations within Council buildings where asbestos is known to be located. An extensive survey was undertaken in the late 1980s by the former Tayside Regional Council (T.R.C.) in their buildings but Dundee City Council is currently undertaking survey work.

LEGAL POSITION

The Control of Asbestos at Work Regulations 2002 require employers to prevent exposure of employees to asbestos. If this is not reasonably practicable their exposure should be controlled to the lowest practicable level. Before any work with asbestos is carried out, the Regulations require employers to make an assessment of the likely exposure of employees to asbestos dust. The assessment must include a description of the precautions taken to control dust release and to prevent workers and others who may be affected by the work. A copy of the assessment must be retained on site at all times. All persons working with asbestos must be adequately trained, that must include training in the correct use of respiratory equipment.

There is also a requirement placed upon the Council to manage the risk from asbestos in non-domestic premises by ensuring that a suitable and sufficient assessment is carried out as to presence of asbestos in premises over which we have control. This requirement also includes common parts of domestic premises. The regulations also require a written management plan to be developed and implemented setting out in detail how we are going to manage the risk from asbestos.

It is recognised that some employees may encounter asbestos in buildings that are not occupied or owned by the Council over which the Council has no direct control. In these circumstances, it will be a matter for the individual department to ensure that those employees who are liable to encounter asbestos in such situations are

appropriately trained and that risk assessments are in place. The assessments should identify how to prevent, or where this is not so far as is reasonably practicable ensure that the risk of exposure to asbestos fibres is adequately controlled.

The Asbestos (Licensing) Regulations 1983 and the (Amendment) Regulations 1998 require that any project involving a person working more than 1 hour in a 7 day period or where the total time of all persons requires more than 2 hours work with asbestos board or involves more than 2m², then that work must be carried out by a contractor licensed by the Health and Safety Executive. All work with asbestos insulation or asbestos coating must also be carried out by a contractor licensed by the Health and Safety Executive.

All work with asbestos insulating board will become a licensable and notifiable activity from 1 August 1999. The present exemptions concerning the permitted duration of work will however continue. Most insulation board contains up to 40% amosite, hence the reason for making this licensable work. The notification period to the H.S.E. for asbestos work has been reduced from 28 days to 14 days. The H.S.E. has made this alteration at the request from the asbestos industry, but state that applications for exemptions to the 14 day period are unlikely to be successful. The regulations also extend the H.S.E.'s powers to revoke licences in future.

The Health and Safety at Work etc. Act 1974 imposes general duties on employers to ensure the health, safety and welfare of employees and others who may be affected by the organisation's undertakings. Employers must then take the appropriate arrangements to put in place the necessary preventative or protective measures.

The Management of Health and Safety at Work Regulations 1999 require employers to assess the risks to the health and safety of employees and other persons arising out of work.

The Construction (Design & Management) Regulations 1994 place duties upon clients, planning supervisors, principal contractors, designers, and contractors to plan, manage and co-ordinate health and safety on construction work where it lasts for more than 30 days, or involves four or more people on site at any one time. The regulations also apply to all demolition work. These regulations place significant responsibilities upon the client to provide relevant health and safety information to the planning supervisor, appointed to oversee the project, which will include the presence of any asbestos. Measures are then required to avoid inadvertent damage to asbestos and the release of fibres into the air.

POLICY STATEMENT

The Council is committed to providing a safe and healthy workplace which includes dealing efficiently and effectively with any asbestos materials identified within any Council owned building / structure. The management of this policy is assigned to the Architectural Services with asbestos surveys being procured through Architectural Services or through accredited surveyors within client departments.

Effective health and safety management of asbestos will be achieved by:

(a) establishing a management plan to manage asbestos in buildings. This will include procedures for the surveying of all properties to seek and establish the location, form, type

and condition of any asbestos, and the associated risks created by Asbestos Containing Material (ACMs), unless there is strong evidence to show that the building is asbestos -free. Where no survey has yet taken place it must be presumed ACM's are present unless there is strong evidence that there is no asbestos present. The management plan must also identify the resources required to implement and manage the plan.

(b) the results of the survey being recorded in an asbestos register for each premises, and a system established that ensures that no work commences until this register has been consulted. Strict controls must be established to ensure that the register is consulted whenever building planned maintenance, repair or alteration work is considered. Procedures must also be established to ensure that the latest version of the register is made available to those who need current information.

(c) material containing asbestos should be labelled where practicable

(d) regular inspection and maintenance must be carried out to minimise the risk of fibre release.

(e) ensuring all works on asbestos including sealing and removal except very small quantities of asbestos cement, are carried out by a contractor licensed by the Health and Safety Executive, under the independent supervision of an accredited monitoring agency.

(f) removing asbestos identified as representing a significant risk, because of its location condition etc. The opportunity to remove asbestos, during refurbishments and other alterations, from Council premises should also be considered.

(g) waste contaminated by or containing asbestos being double bagged in heavy duty polythene bags, and clearly labelled before it is transported to the licensed disposal site. A copy of the disposal paperwork being retained by the client and being passed to Economic Development with the corporate responsibility for managing the asbestos register.

(i) nominated persons within Architectural Services are responsible for implementing the asbestos management plan.

(j) where samples of materials believed to contain asbestos are taken, the samples must be taken in accordance with MDHS 100 by a person who has been appointed and is accredited by the British Occupational Hygiene Society and to following a detailed method statement accepted by the client detailing the means by which the work will be carried out. Written procedures must be designed to minimise and prevent any persons to the exposure of airborne asbestos fibres.

(k) all samples must be analysed only by U.K.A.S. accredited bodies.

(l) consulting informing and training employees so that everyone that needs to know is well informed and trained. This will require the client to specify minimum levels of competence for building contractors where asbestos may be present.

(m) keeping records for proof of compliance with legal requirements recording what has to be done, audit an inspection reports and detailing the communications issued to ensure that everyone knows what their responsibilities are and how to complete their tasks.

Implementation of Policy

It will be the responsibility of the Council, through the City Architectural Services Officer to implement the Action Plan, together with key members of staff from other departments who have been trained to assess the condition of the asbestos and make any necessary amendments to the information contained in the Register. The Asbestos Register will be maintained through the Economic Development Department with input from key members of other departments.

The purpose of the register is to formally record through survey, inspection and monitoring the location and current condition of asbestos. Establishing a planned survey programme is fundamental to the Council's proactive management of asbestos and must be conducted within the limits of the Council's financial and staff resources. The priority areas are to survey all non-housing stock and to survey the common areas within the housing stock. The details and systems for undertaking the surveys within desired time scales will be detailed in the asbestos management plan. The Register must contain information ;

1. exact location of the asbestos
2. the material containing the asbestos
3. the type of asbestos
4. the likelihood of damage
5. practical action required
6. the frequency of inspection

The accuracy of the information in the Register will be assured by regular inspections. It will be the responsibility of Architectural Services through the appointment of trained staff to identify and assess the condition of the asbestos and to make any necessary amendments to the information contained in the Register. The survey will combine all currently available knowledge of asbestos locations within buildings, together with statistical sampling techniques, to examine an appropriate sample to identify the presence, type, location, condition, likelihood of damage of asbestos materials in Council owned or occupied buildings. The results of this initial survey will be then used to determine and establish other priorities such as further monitoring inspections on a programmed basis or to take other appropriate action. These further measures will consider the requirements of this Policy and of resource availability.

To assist in the risk assessment process the following model may be used as an outline to give consistency to the approach adopted by the Council to manage asbestos in buildings. Where changes in the condition of the asbestos are identified then the nominated person in the appropriate Department must also be informed without delay.

The following installations may be considered LOW RISK, requiring labelling (as appropriate ie restricted to areas not frequented by the public eg. Plant rooms etc), periodic inspections (eg. 5 yearly), and information to contractors and others who may be in contact with the material:

- asbestos floor tiles (unless brittle and are breaking up)
- external asbestos cement such as flues and roofing in good condition
- internal asbestos cement panelling, painted and in good condition
- asbestos cement water tank

The following installations may be considered MEDIUM RISK, requiring paint sealing or sealing off in some other way (such as sealing off a duct or using an epoxy resin sealant), labelling (as appropriate ie restricted to areas not frequented by the public eg. Plant rooms etc), periodic inspections (eg. 3 yearly) and information to contractors and others who may be in contact with the material:

- internal chrysotile (white) asbestos cement ceiling panels, unpainted and with some minor damage
- pipework insulation in good condition in inaccessible ducts
- ceiling tiles in good condition with services running above requiring constant access

The following installations may be considered HIGH RISK, requiring action, which in many cases will be in the form of complete removal as soon as may be safely arranged:

- amosite (brown) or crocidolite (blue) spray coating in poor condition with evident damage
- pipework insulation with evident damage
- amosite(brown) boarding forming ceiling tiles, where services run in the ceiling void necessitating access by maintenance staff with evidence of slight damage

The decision to remove asbestos should take the following into account:

- a) Is the asbestos preventing some other maintenance activity from proceeding without serious disturbance?
- b) Is the asbestos subject to mechanical damage that requires to be reassessed on a frequent and regular basis?
- c) Is the asbestos loose and friable?
- d) Is the asbestos of a sprayed variety where past experience has shown that after sealing, deterioration will occur?
- e) Is the asbestos in a position where future alterations are likely to come into contact with it?

The final decision to encapsulate or remove asbestos must be based upon the individual circumstances and upon expert advice. Where asbestos is to remain in place then it should be subject to planned monitoring at least every 12 months or more frequently if necessary. Economic Development will be responsible for ensuring that risk assessments are kept under review.

TRAINING

All staff with direct responsibility for managing asbestos in the workplace or who may foreseeably encounter asbestos during their working day will be trained to an appropriate level to ensure, so far as is reasonably practicable, their health, safety and welfare and that of others.

The qualifications and competence of contractors carrying out asbestos work will be assured through the Council procedures for awarding contracts.

REACTIVE RESPONSE

Pre-tender stage procedures for building construction work must currently advise potential contractors that asbestos materials may be encountered during the course of construction work where no asbestos survey has already been completed. The client acting on behalf of the Council must positively confirm that they have examined the asbestos register for the presence of ACMs. Where no asbestos survey has yet been undertaken in the area of the proposed

construction work, then it must be presumed that ACMs are present. The client must then ensure that ;

- a) a survey is undertaken to determine whether ACMs are present, which will involve a type 2 survey, with results being recorded in the register; OR
- b) the contractor must introduce all the necessary controls that are required to do the necessary work assuming that the existing fabric of the building is constructed from ACM's and that asbestos is not chrysotile alone. In many cases this will entail the work being undertaken by an appointed an HSE licensed asbestos contractor.
- c) systems in place at each location to ensure that the presence of contractors arriving at any Council controlled site is known. The person in control of the site is responsible for ensuring that the contractor who is going to undertake any work that is liable to disturb the fabric of the building is given access to the asbestos register. This may entail requiring the contractor signed a statement that the asbestos register has been viewed.

Where it is known that asbestos may be present, the client must also seek confirmation from potential construction contractors that all their employees and sub-contractors who will be on site have received asbestos awareness training prior to work commencing. This is to ensure that the employee working with materials has the knowledge and instruction to stop working immediately they suspect they have encountered further materials which may contain asbestos.

When materials, suspected of being asbestos, are discovered in buildings either accidentally or during other work activities, then work must stop immediately and the nominated person in Economic Development, Architectural Services or Housing must be informed, dependant upon the type of building in which it is discovered. The material must then be inspected, assessed, tested and handled accordingly. Where contractors inadvertently discover material, which they suspect may be asbestos, then appropriate measures must be followed to prevent exposure to airborne asbestos fibres. The Council's Policy on identifying, labelling and inspection of asbestos must be known to contractors prior to the commencement of any work where contractors could encounter asbestos.

EMERGENCY REPAIRS

Emergency work can only take place after the appointed person, has first consulted the register prior to commencing work. Every effort must be taken by the employee to ascertain this information before leaving site, to undertake emergency action. When it is unknown if asbestos containing materials are present, then the emergency work must proceed assuming that asbestos containing materials are present. In many cases the work taken will only be to limit further damage to property, such as isolating the water supply until, the presence of ACM's is confirmed or denied.

EMPLOYEES DUTIES

Employees are responsible for:

- reporting any asbestos which in their opinion is in a hazardous condition.

- not to interfere with materials which they suspect are asbestos unless they have been authorised to do so.
- not to under take any asbestos survey unless they have are accredited by B.O.H.S. and appointed by Architectural Services or Economic Development to do so.
- not to collect samples of asbestos unless they have been trained to do so;

EXPOSURE TO ASBESTOS FIBRES

Where any employee considers that they have an occupational exposed to asbestos fibres during the course of their work, then they should inform their line manager who must record the alleged exposure in the persons personal file and initiate an investigation into the alleged exposure. A record of the investigation must also be retained by the employee's manager, with any remedial action that is taken. (The Corporate Health & Safety Section in conjunction with Economic Development will assist in any such investigation.) Medical Surveillance will also be undertaken by the relevant Council Department where it is considered following investigation that exposure to asbestos fibres is liable to have been above the action level specified in the Control of Asbestos at Work Regulations.

REVIEW OF POLICY

This policy will be reviewed by the Council as and when it is considered necessary.