



# HEALTH AND SAFETY AT WORK (MANAGING AND WORKING WITH ASBESTOS CODE OF PRACTICE) (APPLICATION) ORDER 2022

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Statutory Document No. 2022/0036



*Health and Safety at Work, Etc., Act 1977*

## HEALTH AND SAFETY AT WORK (MANAGING AND WORKING WITH ASBESTOS CODE OF PRACTICE) (APPLICATION) ORDER 2022

*Approved by Tynwald:*

*Coming into Operation:*

*1 August 2022*

The Department of Environment, Food and Agriculture makes the following Order, following consultation with such organisations as it considers represent interests which will be affected by the Order<sup>1</sup>, under section 1(1)(c) of the Health and Safety at Work, Etc., Act 1977.

### 1 Title

This Order is the Health and Safety at Work (Managing and Working with Asbestos Code of Practice) (Application) Order 2022.

### 2 Commencement

If approved by Tynwald, this Order comes into operation on 1 August 2022<sup>2</sup>.

### 3 Interpretation

(1) In this Order, the “**Code of Practice**” means the code of practice entitled *Managing and working with asbestos* (second edition, 2013, L143), approved by the UK Health and Safety Executive, with the consent of the Secretary of State, under section 16 of the Health and Safety at Work Act 1974 (of Parliament)<sup>3</sup>, the text of which is set out in bold type within a publication entitled *Managing and Working with Asbestos: Control of Asbestos Regulations 2012: approved code and guidance*<sup>4</sup>.

<sup>1</sup> As required by section 1(4) of the Health and Safety at Work, Etc., Act 1977.

<sup>2</sup> Prior Tynwald approval is required by s. 1(5) of the Health and Safety at Work, Etc., Act 1977.

<sup>3</sup> 1974, c. 37.

<sup>4</sup> Published by the UK Health and Safety Executive, 2013, ISBN 978 0 7176 6618 8. This publication sets out the Control of Asbestos Regulations 2012 (UK SI 2012/632), the Code of Practice and related guidance and information.

- (2) In paragraph 2 of the Schedule, a reference to a numbered paragraph is a reference to the paragraph so numbered in the publication referred to in paragraph (1) which contains the text of the Code of Practice.

#### **4 Application of the Code of Practice**

- (1) The Code of Practice applies to the Island, subject to the modifications and adaptations specified in the Schedule, in the same manner as a code of practice issued and approved under section 16 of the Health and Safety at Work etc. Act 1974<sup>5</sup> as that Act has effect in the Island<sup>6</sup>.
- (2) This Order applies to all places within the Island.
- (3) The text of the Code of Practice as applied to the Island by this Order is annexed to this Order.

**MADE**

**2022**

**CLARE BARBER**

*Minister for Environment, Food and Agriculture*

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<sup>5</sup> 1974 c. 37.

<sup>6</sup> Applied to the Island by SD 155/98 as amended by SD 984/07.

## SCHEDULE

[Article 4]

### MODIFICATIONS AND ADAPTATIONS, SUBJECT TO WHICH THE CODE OF PRACTICE APPLIES IN THE ISLAND

#### 1 General modifications

In its application to the Island, a reference in the Code of Practice —

- (a) to the Control of Asbestos Regulations 2012<sup>7</sup>, is a reference to those regulations as applied to the Island by the Control of Asbestos (Application) Order 2022<sup>8</sup>; and
- (b) to a numbered regulation is, without more, a reference to the regulation so numbered in the Control of Asbestos Regulations 2012<sup>9</sup>, as applied to the Island by the Control of Asbestos (Application) Order 2022<sup>10</sup>.

#### 2 Specific modifications

- (1) In paragraph 26, for “Health and Safety Executive” substitute **the Department**.
- (2) In paragraph 27, for “This” substitute **For the purposes of regulation 2, the concentration**.
- (3) In paragraph 29, before “Work with” insert **For the purposes of regulation 2,**.
- (4) In paragraph 30, for “HSE” substitute **the Department**.
- (5) In paragraph 31, for “Short” substitute **For the purposes of regulation 2, short**.
- (6) In paragraphs 36, 37, 38 and 39, before the first word in each of these paragraphs, insert **For the purposes of regulation 2,**.
- (7) In paragraph 77, for “Whenever” substitute **For the purposes of the Control of Asbestos Regulations 2012, whenever**.
- (8) In paragraphs 81, 82, 93, 94 and 95, before the first word in each of these paragraphs, insert **For the purposes of regulation 4,**.
- (9) In paragraph 98 —
  - (a) for “the regulation” substitute **regulation 4**; and

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<sup>7</sup> SI 2012/632.

<sup>8</sup> SD 2022/0034.

<sup>9</sup> SI 2012/632.

<sup>10</sup> SD 2022/0034.

- (b) in table 6, in the fourth entry –
- (i) for “regulation 11” substitute **“regulation 10”**; and
  - (ii) for “1999” substitute **“2003”**.
- (10) In paragraphs 99 and 101, before the first word in each of these paragraphs, insert **“For the purposes of regulation 4,”**
- (11) In paragraph 103 –
- (a) for “The dutyholder’s” substitute **“For the purposes of regulation 4, the dutyholder’s”**; and
  - (b) for “this regulation” substitute **“regulation 4”**.
- (12) In paragraphs 104, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 129, 130, 131, 132, 134, 143, 144, 146 and 147, before the first word in each of these paragraphs, insert **“For the purposes of regulation 4,”**
- (13) In paragraphs 148 and 149, before the first word in each of these paragraphs, insert **“For the purposes of regulation 5,”**
- (14) In paragraphs 154, 156, 157, 158, 159, 160, 166, 171, 176 and 177, before the first word in each of these paragraphs, insert **“For the purposes of regulation 6,”**
- (15) In paragraphs 178, 179, 180, 181, 182, 183, 184, 185, 190 and 192, before the first word in each of these paragraphs, insert **“For the purposes of regulation 7,”**
- (16) In paragraph 193 –
- (a) for “It is a condition” substitute **“For the purposes of regulation 7, it is a condition”**;
  - (b) for “appropriate enforcing authority” substitute **“Department”**; and
  - (c) for “the enforcing authority” substitute **“the Department”**.
- (17) In paragraphs 201, 202 and 203, before the first word in each of these paragraphs, insert **“For the purposes of regulation 7,”**
- (18) In paragraph 214 –
- (a) for “When” substitute **“For the purposes of regulation 9, when”**;
  - (b) for “appropriate enforcing authority” substitute **“Department”**; and
  - (c) for “the authority” substitute **“the Department”**.
- (19) In paragraph 217, for “The enforcing authority” substitute **“For the purposes of regulation 9, the Department”**.
- (20) In paragraph 220 –
- (a) for “Employers” substitute **“For the purposes of regulation 9, employers”**; and

- (b) omit “for notifying all the relevant authorities”.
- (21) Omit paragraph 221.
- (22) In paragraphs 225, 226, 230 and 232, before the first word in each of these paragraphs, insert **63** For the purposes of regulation 10, **62**.
- (23) In paragraph 233, for “In particular, it” substitute **63** For the purposes of regulation 10, training **62**.
- (24) In paragraphs 234, 235, 237, 238, 240 and 241, before the first word in each of these paragraphs, insert **63** For the purposes of regulation 10, **62**.
- (25) In paragraph 243 —
- (a) for “Training for” substitute **63** For the purposes of regulation 10, training for **62**; and
- (b) for “an HSE licence” substitute **63** a licence **62**.
- (26) In paragraphs 244, 245, 246, 248, 249, 250, 251, 252, 253, 254, 256, 258, 259, 260, 261, 262, 263, 264, 266, 267, 268, 273 and 274, before the first word in each of these paragraphs, insert **63** For the purposes of regulation 10, **62**.
- (27) In paragraphs 276, 277, 278, 280, 282, 283, 284, 288, 289, 292, 294, 298, 299, 300, 302, 303, 304 and 305, before the first word in each of these paragraphs, insert **63** For the purposes of regulation 11, **62**.
- (28) In paragraphs 310, 312, 313 and 314, before the first word in each of these paragraphs, insert **63** For the purposes of regulation 12, **62**.
- (29) In paragraphs 315 and 316, before the first word in each of these paragraphs, insert **63** For the purposes of regulation 13, **62**.
- (30) In paragraph 317 —
- (a) for “A record” substitute **63** For the purposes of regulation 13, a record **62**; and
- (b) for “enforcing authority” substitute **63** Department **62**.
- (31) In paragraph 318, for “Where” substitute **63** For the purposes of regulation 13, where **62**.
- (32) In paragraph 319 —
- (a) for “Keep” substitute **63** For the purposes of regulation 13, keep **62**; and
- (b) for “enforcing authority” substitute **63** Department **62**.
- (33) In paragraphs 320 and 321, before the first word in each of these paragraphs, insert **63** For the purposes of regulation 13, **62**.
- (34) In paragraph 322 —
- (a) for “A record” substitute **63** For the purposes of regulation 13, a record **62**; and
- (b) for “enforcing authority” substitute **63** Department **62**.

- (35) In paragraphs 323, 324, 326 and 327, before the first word in each of these paragraphs, insert **“For the purposes of regulation 13, ”**.
- (36) In paragraph 328 —
- (a) for “A record” substitute **“For the purposes of regulation 13, a record ”**; and
  - (b) for “enforcing authority” substitute **“Department ”**.
- (37) In paragraph 329, for “All wet” substitute **“For the purposes of regulation 13, all wet ”**.
- (38) In paragraph 330 —
- (a) for “A record” substitute **“For the purposes of regulation 13, a record ”**; and
  - (b) for “enforcing authority” substitute **“Department ”**.
- (39) In paragraphs 331, 333, 334, 335, 336, 337, 338, 339, 340, and 341, before the first word in each of these paragraphs, insert **“For the purposes of regulation 13, ”**.
- (40) In paragraph 342, for “However” substitute **“For the purposes of regulation 13 ”**.
- (41) In paragraph 343 —
- (a) for “A record” substitute **“For the purposes of regulation 13, a record ”**; and
  - (b) for “enforcing authority” substitute **“Department ”**.
- (42) In paragraph 344, for “There are” substitute **“For the purposes of regulation 13, there are ”**.
- (43) In paragraphs 345, 346, 347, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362 and 363, before the first word in each of these paragraphs, insert **“For the purposes of regulation 14, ”**.
- (44) In paragraphs 364, 365, 366, 368, 369, 370, 371, 372, 373, 374, 375, 379 and 380, before the first word in each of these paragraphs, insert **“For the purposes of regulation 15, ”**.
- (45) In paragraphs 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415 and 416, before the first word in each of these paragraphs, insert **“For the purposes of regulation 16, ”**.
- (46) In paragraphs 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 430, 431, 432, 434, 435, 436, 438, 439, 440, 441, 442, 443, 444, 445, 448, 449, 450, 451, 452, 453, 454, 457, 458, 459, 460, 461, 463, 464, 465, 466 and 467, before the first word in each of these paragraphs, insert **“For the purposes of regulation 17, ”**.
- (47) In paragraphs 469, 470, 471, 472, 473, 476 and 478, before the first word in each of these paragraphs, insert **“For the purposes of regulation 18, ”**.



- (48) In paragraphs 479, 480, 481, 482, 483, 484, 485 and 487, before the first word in each of these paragraphs, insert **63** For the purposes of regulation 19, **22**.
- (49) In paragraphs 490 and 491, before the first word in each of these paragraphs, insert **63** For the purposes of regulation 20, **22**.
- (50) In paragraph 492, for “Similarly” substitute **63** For the purposes of regulation 20, **22**.
- (51) In paragraph 496 —
- (a) for “Employers” substitute **63** For the purposes of regulation 21, employers **22**; and
  - (b) after “accreditation body” insert **63** or are approved by the Department **22**.
- (52) In paragraph 497, for “Employers” substitute **63** For the purposes of regulation 21, employers **22**.
- (53) In paragraphs 499, 500, 501, 502, 503 and 504, before the first word in each of these paragraphs, insert **63** For the purposes of regulation 22, **22**.
- (54) In paragraph 505 —
- (a) for “Employers” substitute **63** For the purposes of regulation 22, employers **22**;
  - (b) for “30 April 2015” substitute **63** 31 October 2023 **22**; and
  - (c) for “1 May 2015” substitute **63** 1 November 2023 **22**.
- (55) In paragraphs 506 and 507, before the first word in each of these paragraphs, insert **63** For the purposes of regulation 22, **22**.
- (56) In paragraphs 519, 520, 521, 522, 523 and 524, before the first word in each of these paragraphs, insert **63** For the purposes of regulation 23, **22**.
- (57) In paragraphs 526, 527, 528, 529, 530, 531, 532, 533 and 534, before the first word in each of these paragraphs, insert **63** For the purposes of regulation 24, **22**.
- (58) Omit paragraph 535.
- (59) For paragraph 536 substitute —
- 63** 536 For the purposes of regulation 24, asbestos waste must be labelled in accordance with Schedule 2 to the Control of Asbestos Regulations 2012. **22**.

*EXPLANATORY NOTE**(This note is not part of the Order)*

This Order applies to the Island the Managing and Working with Asbestos<sup>11</sup> approved code of practice, with the modifications contained in the Schedule.

The code of practice gives advice on how to comply with the requirements of the Control of Asbestos Regulations 2012<sup>12</sup>, as applied to the Island by the Control of Asbestos (Application) Order 2022<sup>13</sup>.

Section 17 of the Health and Safety at Work Act 1974 (an Act of Parliament), which Act has been applied to the Island by the Health and Safety at Work Order 1998 [SD 155/98], sets out how the code of practice may be used in criminal proceedings. A failure to observe the code of practice does not of itself make a person liable to criminal or civil proceedings; but if a person is prosecuted for a breach of health and safety law, and it is proved that the person did not follow the relevant provisions of the code of practice, the breach will be taken as proved unless the person can satisfy the court that the person has complied with the law in some way other than by compliance with the code of practice.

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<sup>11</sup> “Managing and Working with Asbestos Approved Code of Practice and guidance”, L143 (second edition) 2013, Health and Safety Executive, ISBN 978 0 7176 6618 8.

<sup>12</sup> SI 2012/632.

<sup>13</sup> SD 2022/0034.

## ANNEX

### MANAGING AND WORKING WITH ASBESTOS

Control of Asbestos Regulations 2012

Approved Code of Practice

#### Sporadic and low intensity exposure

26 For the purposes of regulation 2(4), for exposure to be sporadic and of low intensity, the concentration of asbestos in the atmosphere should not exceed or be liable to exceed the concentration approved in relation to a specified reference period by the ~~Health and Safety Executive~~ **Department**.

27 ~~This~~ **For the purposes of regulation 2, the concentration** is 0.6 fibres per cubic centimetre (f/cm<sup>3</sup>) in the air measured over a ten-minute period. Any exposure which exceeds or is liable to exceed this is not sporadic and of low intensity.

#### Work with asbestos

29 **For the purposes of regulation 2, 'Work with asbestos' includes:**

- work which removes, repairs or disturbs asbestos;
- work which is ancillary to such work (ancillary work);
- supervising the work referred to in the two bullet points above (supervisory work).

#### *Licensable work*

30 Certain types of work with ACMs can only be done by those who have been issued with a licence by ~~HSE~~ **the Department**. This is work which meets the definition of 'licensable work with asbestos' in regulation 2(1). That is work:

- where worker exposure to asbestos is not sporadic and of low intensity (see paragraphs 26–27); or
- where the risk assessment cannot clearly demonstrate that the control limit (0.1 f/cm<sup>3</sup> airborne fibres averaged over a four-hour period) will not be exceeded; or
- on asbestos coating (surface coatings which contain asbestos for fire protection, heat insulation or sound insulation but not including textured decorative coatings); or

- on asbestos insulation or AIB where the risk assessment demonstrates that the work is not sporadic and of low intensity, the control limit will be exceeded and it is not short duration work.

31 **For the purposes of regulation 2**, short duration means the total time spent by all workers working with these materials does not exceed two hours in a seven-day period, including time spent setting up, cleaning and clearing up, and no one person works for more than one hour in a seven-day period.

### *Ancillary work*

36 **For the purposes of regulation 2**, ‘Ancillary work’ means work associated with the main work of repair, removal or disturbance of asbestos. Work carried out in an ancillary capacity requires a licence unless the main work (ie the removal, repair, disturbance activity) does not meet the conditions in the definition of licensable work.

37 **For the purposes of regulation 2**, ‘Ancillary work’ includes maintenance work on equipment (eg class H vacuum cleaners (BS 8520-3:2009)<sup>14</sup> and air extraction equipment (including ‘negative pressure’ units) which involves contaminated (or potentially contaminated) parts of that equipment. ‘Negative pressure’ refers to air pressure in an enclosure being lower than the air outside it.

38 **For the purposes of regulation 2**, Ancillary work also includes putting up and taking down scaffolding, including any scaffolded frame, to provide access for licensable work, where it is foreseeable that the scaffolding activity is likely to disturb the asbestos.

### *Supervisory work*

39 **For the purposes of regulation 2**, ‘Supervisory work’ means work involving direct supervision over those removing, repairing or disturbing asbestos. This applies to supervisory work for both licensable and non-licensable activities.

## **Competence**

40 Any reference in this document to competence, competent persons or competent employees is a reference to a person or employee who has received adequate information, instruction and training for the task being done and can demonstrate an adequate and up-to-date understanding of the work, required control measures and appropriate law. They must also have enough experience to apply this knowledge effectively.

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<sup>14</sup> BS 8520-3:2009 Equipment used in the controlled removal of asbestos-containing materials. Operation, cleaning and maintenance of class H vacuum cleaners. Code of practice British Standards Institution

## Employers' duties to others

76 Employers must take into account people other than their own employees in the risk assessment required by regulation 6 and in the action taken to prevent or control exposure required by regulation 11.

77 ~~Whenever~~ **For the purposes of the Control of Asbestos Regulations 2012, whenever** two or more employers work with asbestos or are likely to come into contact with asbestos at the same time, at the same workplace, they should co-operate to meet their separate responsibilities towards their own and each other's employees as well as other people who may be affected by the work. They should also consult relevant safety representatives and employee representatives.

## Managing the risk

81 **For the purposes of regulation 4,** the dutyholder must manage the risk from asbestos on the premises.

82 **For the purposes of regulation 4,** the main dutyholder is required to ensure that a written plan is prepared that shows where the ACM is located and how it will be managed to prevent exposure to asbestos, including to contractors and other workers who may carry out work on the fabric of the building that could disturb the ACM. This plan then needs to be put into action and communicated to those affected. The dutyholder needs to ensure the plan is reviewed regularly and updated as circumstances change, in consultation with all those who may be affected.

## Identifying dutyholders

93 **For the purposes of regulation 4,** the duty to manage is placed on the person or organisation that has the main responsibility for maintenance or repair of non-domestic premises and common parts of domestic premises. The dutyholder may be the owner or, where there is an explicit agreement, such as a tenancy agreement or contract, the dutyholder may be the occupier or the landlord, sub-lessor or managing agent. It may also be the tenant. Where there is a tenancy agreement or contract, the extent of the duty will depend on the nature of that agreement. In some circumstances, the duty to manage may be shared. If so, the dutyholders should co-operate to make sure that the risk from asbestos is managed appropriately.

94 **For the purposes of regulation 4,** the extent of the duty will, in most cases, be determined by the degree of responsibility over matters concerning the fabric of the building and the maintenance activities carried out there. For example, the owner may rent out or lease workplace premises under agreements where the tenants are responsible for all alterations, maintenance and repairs in the premises. In such situations, the tenants will be the dutyholder.

95 **For the purposes of regulation 4,** there may be no tenancy agreement or contract or, if there is, it may not specify who has responsibility for the maintenance or

repair of non-domestic premises. In these cases, or where the premises are unoccupied, the duty is placed on whoever has ultimate control of the premises, or part of the premises, eg the owner.

*Deciding who has the duty to manage*

97 In situations where there is no owner with sole responsibility for maintenance of the premises, it will be necessary to consult the detail of any contract/tenancy agreement to help establish who is responsible for which aspects of the requirements, under regulation 4.

98 Table 6 shows some examples of tenancy arrangements and how responsibilities may be allocated or shared under ~~the regulation~~ **regulation 4**.

**Table 6 Identity of dutyholders**

<b>Responsibility for premises</b>	<b>Who has the duty to manage under regulation 4?</b>
The owner has sole responsibility for the premises or has sole responsibility for the common parts of multi-occupied buildings	The owner
Under a tenancy agreement or contract, tenants (including employers or occupiers) are responsible for alterations, repairs and maintenance	The tenant, or tenants, in multi-occupancy premises
Under a tenancy agreement or contract, the owner keeps responsibility for maintenance and repairs, and the owner has control of access by maintenance workers into the building	The owner
Under a tenancy agreement or contract, responsibility is shared between several people, eg owners, sub-lessors, occupiers and employers	Each party – for those parts of the premises for which they have maintenance responsibilities Note that employers occupying the premises also have a general duty of co-operation to comply with the requirement of any health and safety regulations under <del>regulation 11</del> <b>regulation 10</b> of the Management of Health and Safety at Work Regulations <del>1999</del> <b>2003</b>
If an owner/leaseholder uses a managing agent	The owner The managing agent would act on behalf of the owner but does not assume the owner’s duties in law. The ultimate responsibility remains with the owner
There is no tenancy agreement or contract	The person in control of the premises
The premises are unoccupied	The person in control of the premises

**Changes in tenancy or occupation**

99 **For the purposes of regulation 4**, if the terms of the tenancy are altered or if the building is vacated, the owner or leaseholder must make sure all relevant information is passed on to any new occupier.



## Duty to co-operate

100 If the owner rents, leases or lets out under a contract or agreement and gives shared responsibility to the owner and the occupier(s), all parties should make whatever parts of the building they are responsible for available to one another. This enables each dutyholder to carry out their responsibilities under regulation 4.

101 **For the purposes of regulation 4**, anyone who is not a dutyholder, but has information on or control of the premises, must help the dutyholder, as far as necessary, to comply with the duty. But this does not extend to paying for or sharing the costs of any actions the dutyholder takes to manage these risks.

## Delegating tasks

103 ~~The dutyholder's~~ **For the purposes of regulation 4, the dutyholder's** legal responsibilities cannot be delegated, but dutyholders can nominate others to do all or part of the work to assist in complying with the duties. Anyone or any organisation who is nominated to do some work as a result of ~~this regulation~~ **regulation 4** must know what it is they have to do and be able to do it safely. They should be competent to do this work.

104 **For the purposes of regulation 4**, safety representatives must be consulted about the arrangements to appoint a competent person or organisation.

111 **For the purposes of regulation 4**, where the dutyholder has nominated a person or organisation to assist in complying their responsibilities, they must make sure that those on the premises are aware who has been nominated and the tasks they have been given.

## What the dutyholders must do to comply with the law

112 **For the purposes of regulation 4**, dutyholders are required to ensure that:

- reasonable steps are taken to find materials in premises likely to contain asbestos and to check their condition;
- materials are presumed to contain asbestos unless there is strong evidence that they do not;
- a written record of the location and condition of asbestos and/or presumed ACMs is made and that the record is kept up to date;
- the risk of anyone being exposed to these materials is assessed;
- a written plan to manage that risk is prepared and that the plan is put into effect to make sure that:

- any material known or presumed to contain asbestos is kept in a good state of repair;
- any material that contains or is presumed to contain asbestos is, because of the risks associated with its location or condition, repaired and adequately protected or, if it is in a vulnerable position and cannot be adequately repaired or protected, it is removed;
- information on the location and condition of the material is given to anyone who is liable to disturb it or is otherwise potentially at risk.

*Find out if asbestos is present*

113 **For the purposes of regulation 4**, everything that can reasonably be done must be done to decide whether there is (or may be) asbestos in the premises, and if there is asbestos (or could be), to find out where it is likely to be. All documentary information that can be obtained about the premises must be systematically checked and as thorough an inspection, as is reasonably accessible, of the premises both inside and outside must be carried out.

114 **For the purposes of regulation 4**, the thorough inspection of the premises will usually take the form of a survey. The survey should be comprehensive and systematic and the survey type should ensure that the dutyholder meets their current occupational requirements: a management survey should be carried out to identify the asbestos for normal day-to-day occupation and maintenance of the building, and a refurbishment and demolition survey should refurbishment or demolition work be planned.

115 **For the purposes of regulation 4**, all parts of the premises should be checked, including warehouses, yards, sheds, outbuildings, underfloor services, ducts, corridors, vertical risers, ceiling voids, storerooms, external runs of pipes and bridges. Fixed plant and machinery, such as process plant, should be included, as well as mobile units which are permanently on the premises. Mobile units, which are only on the premises intermittently, should not be included.

116 **For the purposes of regulation 4**, the dutyholder should ensure that anyone who may be able to provide more information (and in any case have a duty of co-operation) is consulted and that this information is obtained. Such people may include:

- architects;
- building surveyors;
- building contractors;
- safety representatives;
- employees who are familiar with the premises;



- the previous dutyholder.

117 **For the purposes of regulation 4**, there may also be previous assessments and surveys or other existing documents which can be consulted. Check any information obtained or provided for accuracy.

118 **For the purposes of regulation 4**, consider the age of the premises when assessing if asbestos is present. Any premises whose construction was completed before 2000 should always be presumed to contain asbestos, unless there is strong evidence to suggest they do not. Any premises constructed after 2000 can be presumed to be asbestos free. However, exercise caution in circumstances where new premises are built on existing basements or linked to adjoining structures.

119 **For the purposes of regulation 4**, if the building's age or the information provides very strong evidence that no ACMs are present, no further action is needed other than to record why this evidence indicates there is no asbestos present.

#### *Assessing the condition of ACMs*

120 **For the purposes of regulation 4**, the condition of ACMs should be assessed. The assessment should take account of the type of ACM, the amount and its condition. This will determine its potential to release asbestos fibres into the air, if disturbed. The assessment should consider the following:

- Is the surface of the material damaged, frayed or scratched?
- Are the surface sealants peeling or breaking off?
- Is the material becoming detached from its base? (This is a particular problem with pipe and boiler lagging and sprayed coatings.)
- Are protective coverings, designed to protect the material, missing or damaged?
- Is there asbestos dust or debris from damage near the material?

#### *Making the management plan*

129 **For the purposes of regulation 4**, a written (electronic or paper) management plan should be prepared. The management plan should set out how the risks identified from asbestos will be managed. Details should include:

- identifying the person(s) responsible for managing the asbestos risk;
- a copy of the asbestos record or register and how to access it if it is kept electronically;
- instructions that any work on the fabric of the building cannot start without the relevant parts of the record/register being checked. The plan

should include details for how this will be achieved. In particular, the plan should identify the procedures and arrangements to make sure:

- the record/register is checked in good time before the work starts;
- checks will be made that the information on the presence of asbestos has been understood and will be taken into account;
- checks will be made that the correct controls will be used and that competent asbestos-trained contractors will carry out the work;
- plans for any necessary work identified from the risk assessment, eg repair, protect or remove ACMs;
- the schedule for monitoring the condition of any ACMs;
- how to communicate the content of the management plan;
- contingency arrangements if the main contact person for asbestos risk management is not available.

### *Actioning the management plan*

130 **For the purposes of regulation 4**, the dutyholder should ensure that the plan is implemented to manage the risks. The action plan should:

- prioritise the actions identified;
- give high priority to damaged material and materials likely to be disturbed; these will need to be repaired, sealed, enclosed protectively or removed using trained and competent personnel.

131 **For the purposes of regulation 4**, if unsure how to implement the management plan themselves, the dutyholder should seek competent specialist advice from an asbestos surveyor, a laboratory or a licensed contractor, or other competent person as appropriate.

132 **For the purposes of regulation 4**, the plan should include procedures and responsibilities to ensure that the asbestos register is shared with any worker/contractor carrying out maintenance or other work.

133 **For the purposes of regulation 4**, the asbestos register, including drawings, should be available on site for the entire life of the premises and should be kept up to date.

134 **For the purposes of regulation 4**, work should only start once the dutyholder is satisfied that the information in the asbestos record/register is known and understood by the workers who are doing the work on site and easily accessible for anyone who needs to inspect it.

## Reviewing and updating the management plan

143 **For the purposes of regulation 4**, as a minimum, the management plan, including records and drawings, should be reviewed every 12 months. It should also be reviewed if there is reason to believe that circumstances have changed (eg there is a change of use of building, work being undertaken, ACMs removed or repaired etc). The plan, including records and drawings, should then be updated accordingly.

144 **For the purposes of regulation 4**, any identified or suspected ACM must be inspected and its condition assessed periodically, to check that it has not deteriorated or been damaged. The frequency of inspection will depend on the location of the ACMs and other factors which could affect their condition, eg the activities in the building, non-occupancy etc. There will also be events or changes, eg maintenance work, new tenants or employees, that should also trigger a review of the plan.

146 **For the purposes of regulation 4**, there should be periodic checks to make sure that the arrangements and procedures for managing asbestos are working and that people are fully aware of what they should be doing to comply with the duty to manage.

## Communicating and sharing the management plan

147 **For the purposes of regulation 4**, dutyholders should ensure that the management plan is made available to all the individual premises, so if there are separate site managers/building managers responsible for different premises on the same site, they must each make the information available to those in their respective premises. Dutyholders should:

- tell employees what the management plan arrangements are;
- provide the emergency services with information on the location and condition of any known ACMs;
- provide copies of the management plan for employee representatives and trade union safety representatives.

148 **For the purposes of regulation 5**, before carrying out any work involving the potential disturbance of asbestos, employers should find out if the part of the building likely to be disturbed contains asbestos and, if so, the type and condition. This should include assessing relevant information, such as that contained in construction plans or provided by dutyholders responsible for the maintenance and repair of premises under regulation 4 of the Regulations (eg asbestos surveys or registers). If no records are available, or there are doubts about their accuracy/relevance, employers may need to arrange a survey and analysis of representative samples to determine the presence, type and condition of asbestos.

149 **For the purposes of regulation 5**, alternatively, employers should assume that the part of the building to be disturbed contains the most hazardous types of asbestos,

crocidolite (blue) or amosite (brown), and apply the appropriate control measures required by the Regulations, using a licensed contractor if required.

154 **For the purposes of regulation 6**, if work liable to expose employees, and others affected by the work, to asbestos is unavoidable then, before starting work, employers must make a suitable and sufficient assessment of the risks created by the likely exposure. Employers must then identify the steps required to comply with the Regulations. Whoever carries out the risk assessment must:

- carry it out in time to comply with the Regulations and enable appropriate precautions to be taken before work begins;
- make sure the assessment is job specific and considers the full scope of the work;
- establish the extent of potential risks and who could be affected;
- identify the steps taken to remove the risk or, if that is not possible, to reduce the risk;
- record significant findings in writing (electronic or paper);
- communicate significant findings to employees and anyone else who could be affected in an understandable way, as appropriate, to minimise risks to them or to take appropriate precautions to reduce/remove the risk before work begins;
- review the assessment regularly and update it as required.

## Competency to carry out a risk assessment

156 **For the purposes of regulation 6**, employers must make sure that whoever carries out the risk assessment and provides advice on the prevention and control of exposure is competent to do this. Whoever carries out the risk assessment should:

- have adequate knowledge, training and expertise in understanding the risks from asbestos and be able to make informed and appropriate decisions about the risks and precautions needed;
- know how the work activity may disturb asbestos;
- be familiar with and understand the requirements of the Regulations;
- have the ability and authority to collate all the necessary and relevant information;
- be able to assess other non-asbestos risks on site;

- be able to estimate the expected level of exposure to decide whether or not the control limit is likely to be exceeded.

## **Suitable and sufficient risk assessment**

157 **For the purposes of regulation 6**, to be suitable and sufficient, the risk assessment should include:

- for non-licensable work, a statement of why the work meets the criteria for non-licensable rather than licensable work, and whether it is>NNLW
- a description of the work being carried out and the expected scale and duration;
- a description of the type(s) of asbestos and results of any survey or analysis or a statement that the assumption is that the asbestos is not chrysotile alone;
- a description of the quantity, form, size, means of attachment, extent and condition of the ACMs present.

158 **For the purposes of regulation 6**, details of expected exposures should be recorded and include:

- data on the concentration of asbestos fibres likely to be present, including the source for this information;
- whether they are liable to exceed the control limit and the number of people likely to be affected;
- the level of expected exposure, so that suitable personal protective equipment (PPE) and respiratory protective equipment (RPE) can be selected;
- whether anyone other than employees may be exposed, and their expected exposures;
- whether intermittent higher exposures may arise and their expected frequency and duration;
- any results already available from air monitoring in similar circumstances.

159 **For the purposes of regulation 6**, the steps to take to control exposure to the lowest level reasonably practicable should also be recorded, eg:

- the type of controlled wetting and method of application;
- using local exhaust ventilation (LEV);

- using a glovebag;
- wrap and cut;
- the use of low dust methods;
- shadow vacuuming.

160 **For the purposes of regulation 6**, the risk assessment should also include:

- the steps taken to control the release of asbestos into the environment, eg enclosures with negative pressure and entry and exit procedures. Where it is not considered practicable to use an enclosure, a full justification is required, and clear advice on what action to take if there is an accidental release;
- details of the decontamination procedures, including using hygiene units where appropriate, and for transferring and removing waste, including contaminated tools and equipment;
- procedures for the selection, provision, use and decontamination or disposal of PPE/RPE;
- procedures for dealing with emergencies;
- any other information relevant to safe working practices, such as other significant non-asbestos hazards like working at height or in confined spaces;
- management arrangements for ensuring that risks are adequately controlled during the work.

161 The findings of the risk assessment as detailed above are all deemed to be significant and must be recorded, as required by regulation 6(1)(b), and available on site at all times.

### **Additional risk assessment requirements for licensable work**

165 For the risk assessment for licensable work to be suitable and sufficient it should, in addition to those elements outlined in paragraphs 157–160, record the reasons for the chosen work method and arrangements required to ensure that the premises or parts of the premises where work has taken place are left clean for reoccupation and include:

- detail of the areas which need a certificate for reoccupation;
- consideration of potential problems for issuing the certificate for reoccupation and how they can be avoided or dealt with before work starts, eg earth floors, limpet spray ingrained in concrete or tar-like

layers, wet areas which cannot be dried out and the presence of ACMs which will remain in the areas after the work is complete;

- consideration of the need for pre-cleaning to remove ACMs or suspected ACMs. The pre-cleaning assessment should include identifying the control measures to prevent release of asbestos fibres.

All these points are significant and must be recorded as required by regulation 6(1)(b) and available on site at all times.

## Work in elevated temperatures and hot conditions

166 **For the purposes of regulation 6**, work with asbestos in hot and humid conditions should be avoided as far as possible, as it creates significant additional risks for asbestos workers. Such work will only be permitted in rare and exceptional circumstances and only when all possible alternatives and control options have been considered. If the work can be justified, additional precautions, as identified in the risk assessment, must be taken to prevent heat stress and other risks. The precautions will include:

- restricting when the work is to be carried out to times with cooler ambient temperatures;
- reducing work periods;
- introducing cool air to the work area (eg air conditioning);
- having measures in place to prevent dehydration when operators have left the work area, eg providing cool drinks free of charge in the rest facility;
- using enclosures with increased sizes and ventilation rates;
- where possible, shutting down or shielding/insulating any hot plant and equipment to be worked on or in the vicinity;
- monitoring the temperature/humidity to ensure that precautions are effective.

### *Hot work*

171 **For the purposes of regulation 6**, hot work (ie work on hot plant and equipment) will only be permitted in exceptional and fully justifiable circumstances.

## Reviewing assessments

176 **For the purposes of regulation 6**, employers should review risk assessments as part of the ongoing management of their health and safety systems to make sure they are still relevant and reflect any lessons learned from what has gone well and what has

not. A competent person should conduct the review. A specific review should take place if:

- methods used to control fibre release change;
- there is doubt about the efficiency of control measures;
- there is a significant change in the type of work, amount of asbestos found or method of work;
- the results of air monitoring indicate the exposure levels to be higher than previously assessed.

177 **For the purposes of regulation 6**, where monitoring of exposure levels, or other information gathered during the course of work indicates that the initial assessment was wrong about either the duration of the task or nature of the materials:

- immediately review the assessment and control measures and whether the nature and extent of the exposure means that the work should be done using different methods and equipment;
- review whether the work needs to be done by a licensed contractor;
- record any changes made to the risk assessment (the revised assessment must be available on site at all times).

178 **For the purposes of regulation 7**, for any work involving asbestos, including maintenance and survey work that may disturb it, the employer must draw up a written plan of how the work is to be carried out before it starts. Employers must make sure their employees follow the plan of work (sometimes called a method statement, plan, or POW) so far as reasonably practicable.

179 **For the purposes of regulation 7**, where unacceptable risks to health and/or safety are discovered while work is in progress, eg disturbing hidden, missed or incorrectly identified ACMs, stop any work affecting the asbestos, except to put suitable controls in place and prevent further spread.

180 **For the purposes of regulation 7**, where there is extensive damage to ACMs which causes contamination of the premises, or part of the premises, the area should be immediately evacuated. Work should not restart until a new plan of work is drawn up or until the existing plan is amended. Some measures may need to be carried out by licensed contractors.

## Contents

181 **For the purposes of regulation 7**, the plan of work must include the following information:

- the nature and probable duration of the work;



- the number of people involved in the work;
- the address and location where the work is to be carried out;
- the methods to be used to prevent or reduce exposure to asbestos, eg prevention and control measures, arrangements for keeping premises and plant clean and arrangements for the handling and disposal of asbestos waste;
- the type of equipment, including PPE and RPE, used for: protecting and decontaminating those carrying out the work;
- protecting other people present at or near the worksite.

182 **For the purposes of regulation 7**, where necessary, the plan should include the site layout, a description of the location and nature of the asbestos present and which ACMs will be disturbed by the work.

183 **For the purposes of regulation 7**, arrangements should be made to ensure that work is carried out in accordance with the plan of work, and any subsequent changes made to it.

184 Planning is a key requirement for all work with asbestos. For the purposes of regulation 7, the plan of work should be a practical and useful document, describing a safe working method for site staff to follow.

185 **For the purposes of regulation 7**, plans of work should be drawn up by a suitably competent person.

## Demolition work

190 **For the purposes of regulation 7**, in the case of demolition or major refurbishment, the plan of work must specify that all asbestos is removed before any other major work begins, where this is reasonably practicable and does not cause a greater risk to employees than if the asbestos had been left in place.

## Licensable work

192 **For the purposes of regulation 7**, suitable and sufficient plans of work are a licence condition for any licensable work with asbestos and a legal requirement. The plan of work is a critical element of management control.

193 ~~It is a condition~~ **For the purposes of regulation 7, it is a condition** of the licence for licensed contractors to notify the ~~appropriate enforcing authority~~ **Department** at least 14 days before each job. A suitable and sufficient plan of work must have been prepared by the time of notification. If a suitable and sufficient plan is not available at the time of notification, the notification will be considered invalid and rejected by ~~the enforcing authority~~ **the Department**.

## Communicating the plan of work

201 **For the purposes of regulation 7**, work must not take place unless a copy of the plan of work is readily available on site. Employees must be informed of the contents of the plan and be instructed on the work methods and controls to use.

202 **For the purposes of regulation 7**, the plan of work must also be shown to anyone who needs to see it, including those carrying out the visual inspection and/or air clearance monitoring, once the work or section of work has ended.

203 **For the purposes of regulation 7**, employers must make a copy of the plan of work available on request to employees, safety representatives and other elected representatives of employee health and safety, as well as others who may be affected by the work.

## Notification of licensable work

214 ~~When~~ **For the purposes of regulation 9**, when undertaking licensable work, the Department must be notified with details of the proposed work at least 14 days before work starts. This enables the ~~appropriate enforcing authority~~ **Department** to assess the proposals for carrying out work with asbestos and if appropriate, to inspect the site either before or during the work.

217 ~~The enforcing authority~~ **For the purposes of regulation 9**, the **Department** should be informed in writing if there are changes to the work that might affect the particulars of the notification.

## Notification of NNLW

220 ~~Employers~~ **For the purposes of regulation 9**, **employers** who plan to carry out NNLW should notify the work using the online notification form ~~for notifying all the relevant authorities~~. Notification must be made before the work begins.

~~221—Notifications can only be made using the online notification form ASB NNLW1.~~

## Information, instruction and training for all work with asbestos

225 **For the purposes of regulation 10**, employers have a duty to ensure that the information, instruction and training given to their employees is adequate to allow them to safeguard themselves and other employees and to carry out their work with asbestos effectively.

## Competence

226 **For the purposes of regulation 10**, any reference to competence, competent persons or competent employees in relation to working with asbestos is a reference to a person or employee who has received adequate information, instruction and training

for the task being done and can demonstrate an adequate and up-to-date understanding of the work, required control measures and appropriate law. They must also have enough experience to apply this knowledge effectively.

230 **For the purposes of regulation 10**, there are three main types of information, instruction and training. These relate to:

- asbestos awareness;
- non-licensable work with asbestos including>NNLW
- licensable work with asbestos.

### **Asbestos awareness**

232 **For the purposes of regulation 10**, asbestos awareness training should be given to employees whose work could foreseeably disturb the fabric of a building and expose them to asbestos or who supervise or influence the work.

233 ~~In particular, it~~ **For the purposes of regulation 10, training** should be given to those workers in the refurbishment, maintenance and allied trades where it is foreseeable that ACMs may become exposed during their work. This includes, but is not limited to:

- demolition workers;
- construction workers;
- general maintenance staff;
- electricians;
- plumbers;
- gas fitters;
- painters and decorators;
- joiners;
- shop fitters;
- plasterers;
- roofers;
- heating and ventilation engineers;
- telecommunication engineers;

- computer and data installers;
- fire and burglar alarm installers;
- architects, building surveyors and other such professionals.

234 **For the purposes of regulation 10**, this requirement does not apply where the employer can demonstrate that work will only be carried out in or on premises free of ACMs. This information should be available as a result of the assessment made by the dutyholder under the duty to manage in regulation 4 and the duty on the employer to identify the presence of asbestos in regulation 5.

235 **For the purposes of regulation 10**, asbestos awareness training should cover the following topics:

- the properties of asbestos and its effects on health, including the increased risk of lung cancer for asbestos workers who smoke;
- the types, uses and likely occurrence of asbestos and ACMs in buildings and plant;
- the general procedures to be followed to deal with an emergency, eg an uncontrolled release of asbestos dust into the workplace;
- how to avoid the risks from asbestos, eg for building work, no employee should carry out work which disturbs the fabric of a building unless the employer has confirmed that ACMs are not present.

237 **For the purposes of regulation 10**, if work is planned that will disturb ACMs, further information, instruction and training appropriate to the work being done will be needed.

## **Non-licensable work including NNLW**

238 **For the purpose of regulation 10**, in addition to the ‘asbestos awareness’ in paragraph 235, those employees whose work will knowingly disturb ACMs, and which is defined as non-licensable work or NNLW, should receive additional task-specific information, instruction and training.

### *Provision of information*

240 **For the purpose of regulation 10**, for those employees doing non-licensable work with asbestos, employers should make the following information available for the current work being done:

- a copy of the risk assessment for that work;
- a copy of the plan of work;

- where applicable, details of any air monitoring and results.

241 **For the purposes of regulation 10**, in addition, the following information should be made available to workers, on request:

- maintenance records for control measures;
- personal information from health records (ie relating to NNLW and only to the individual employee concerned);
- the results of any face-fit test (FFT) for RPE provided for work with asbestos;
- a copy of the individual's training record.

### **Training for non-licensable work**

243 ~~Training for~~ **For the purposes of regulation 10, training for non-licensable work** should include information on:

- the operations which could result in asbestos exposure and the importance of preventive controls to minimise exposure;
- how to make suitable and sufficient assessments of the risk of exposure to asbestos;
- the control limit, and the purpose of air monitoring;
- safe work practices, control measures, and protective equipment. This should include an explanation of how the correct use and maintenance of control measures, protective equipment and work methods can reduce the risks from asbestos, limit exposure to workers and limit the spread of asbestos fibres outside the work area including, where relevant, the maintenance of enclosures;
- procedures for recording, reporting and correcting defects;
- the purpose, appropriate choice and correct selection from a range of suitable RPE, including any limitations;
- the correct use, and where relevant, cleaning, maintenance and safe storage of RPE and PPE, in accordance with the manufacturer's instructions and information;
- the importance of achieving and maintaining a good seal between face and RPE, the relevance of pre-use tests and FFTs, and the importance of being clean-shaven;
- hygiene requirements;

- requirements and procedures for medical examination, for NNLW;
- decontamination procedures;
- waste handling procedures;
- emergency procedures, including how to deal with an emergency release;
- which work requires notification as NNLW and which work requires ~~an HSE licence~~ **a licence**;
- an introduction to the relevant regulations, ACOPs and guidance that apply to asbestos work and other regulations that deal with the carriage and disposal of asbestos;
- personal sampling and leak and clearance sampling techniques, for analysts;
- other work hazards, including working at height, electrical, slips, trips and falls, where this is applicable to the work being done.

#### *Practical training for non-licensable work*

244 **For the purposes of regulation 10**, where any employees are required to use plant and equipment or carry out the following work activities, practical training should be given (ie the opportunity to try and practice for themselves, in addition to having it explained or demonstrated to them):

- use of decontamination facilities;
- use of PPE, particularly RPE;
- construction of mini-enclosures where necessary;
- use of control techniques, such as class H vacuum cleaners (BS 8520-3:2009).

#### **Record keeping for employees carrying out non-licensable work, including NNLW**

245 **For the purposes of regulation 10**, a record of the information, instruction and training received by each individual for non-licensable work should be kept to:

- help employers carry out ongoing TNA;
- support individual workers in demonstrating their knowledge, skills and experience when they move from one employer to another.

## Licensable work

246 **For the purposes of regulation 10**, in addition to the ‘asbestos awareness’ in paragraph 235 those employees carrying out work defined as ‘licensable work’ should receive additional task-specific information, instruction and training.

### *Providing information*

248 **For the purposes of regulation 10**, employers should make the information in paragraphs 249–250 available to employees doing licensable work with asbestos.

249 **For the purposes of regulation 10**, for the specific work being done:

- a copy of the risk assessment for that work;
- a copy of the plan of work;
- details of any air monitoring and results;
- details of notification under regulation 9 made to the enforcing authority.

250 **For the purposes of regulation 10**, more general information:

- maintenance records for control measures;
- personal information from health records (only relating to the individual employee concerned);
- the results of any FFT for RPE provided for work with asbestos;
- a copy of the licence;
- any anonymised collective information from the health records.

### *Training for licensable work*

251 **For the purposes of regulation 10**, training given to employees (including operatives, supervisors, managers, directors) doing licensable work with asbestos should include:

- the health risks to employees’ families and others from taking home contaminated equipment and clothing and the increased risk of lung cancer for asbestos workers who smoke;
- the risk assessment and the purpose of the plan of work;
- the operations which could result in asbestos exposure and the importance of preventive controls to minimise exposure;

- the control limit, assessment of exposure and the purpose and importance of air monitoring to check compliance with the limit, including the purpose of personal sampling;
- safe work practices, control measures, and protective equipment, including an explanation of how the correct use of control measures, protective equipment and work methods can reduce the risks from asbestos, limit exposure to workers and limit the spread of asbestos fibres outside the work area;
- the importance of following the procedures, controls and preventative measures set out in the plan of work and risk assessment;
- the maintenance of control measures including, where relevant, enclosures and negative pressure equipment;
- procedures for recording, reporting and correcting defects in control measures, protective equipment and work methods;
- the purpose, appropriate choice and correct selection from a range of suitable RPE, including any limitations;
- the correct use, cleaning, maintenance and safe storage of RPE, with specific attention to make sure RPE is working correctly, in accordance with the manufacturer's instructions and information;
- the importance of achieving and maintaining a good seal between face and RPE, the relevance of fit tests, and the importance of being clean shaven;
- the suitability, correct use, storage and maintenance of protective clothing, including clothing used for transit;
- hygiene requirements;
- decontamination procedures, particularly within enclosures, airlocks (including bag locks) and hygiene units;
- site set-up: marking out the work area, setting up barriers, transit routes and waste storage area, pre-cleaning, sealing sources of potential leaks, construction and layout of the enclosure, including negative pressure units, viewing panels and airlocks, positioning of decontamination units, air management and leak testing;
- controlled removal techniques and how they work, including types of wet surfactant, injection of sprayed asbestos and lagging, spray wetting of AIB and asbestos cement, the wrap-and-cut technique, and (if relevant) the use of glove bags;



- waste handling procedures including bagging, storage and disposal;
- site clean-up and clearance procedures, including the certificate of reoccupation arrangements;
- emergency procedures, including general procedures, such as the uncontrolled release of asbestos fibres into the workplace or outbreak of fire;
- requirements and procedures for medical examination;
- the results of any air monitoring, carried out with an explanation of the findings;
- other work hazards, including working at height, electrical, slips, trips and falls;
- an introduction to the relevant regulations, ACOPs and guidance that apply to asbestos work and other regulations that deal with the carriage and disposal of asbestos.

*Supervisors, managers and directors*

252 **For the purposes of regulation 10**, to help employers comply with their legal duties under the Regulations, additional training, at an appropriate level, should be given to supervisors, managers and directors, so that they can effectively carry out their role on site. This should include:

- their responsibilities for directing, supervising and monitoring all aspects of work on site, including health and safety, particularly the importance of making sure employees and others follow the procedures, controls and preventative measures set out in the plan of work and risk assessment;
- the importance of the supervisor being on site at all key stages of the work (witnessing the smoke test, ensuring that the hygiene facilities are fully operational before work starts, ensuring signs and barriers are correctly erected, carrying out daily checks) to ensure that it is done safely;
- how to produce and implement plans of work that set out the appropriate procedures, controls and preventative measures based on the assessment, including how and when to update plans of work;
- how and when to notify the appropriate enforcing authorities that work is taking place and about situations where re-notification is necessary;

- how to deal with situations where the methods set out in the plan of work cannot be followed, due to a change in circumstances and a revision to the plan is needed;
- the application of suitable emergency procedures if controls fail;
- the importance of monitoring and auditing the work activities;
- the importance of having effective arrangements in place to communicate with and monitor workers inside the enclosure and hygiene unit;
- the need to provide additional training, information and instruction to workers as necessary, such as in the use of a particular piece of equipment or work method, which they have not previously trained in;
- how to assess the competence of employees and identify their training needs;
- when and how to do air monitoring, how the results are interpreted and who needs to see them;
- how the results and records of personal air sampling, fit tests and medicals should be kept and maintained and who needs to see them;
- how to apply the procedures for dealing with accidents, incidents and emergencies;
- the importance of keeping the work area clean and free of asbestos;
- the importance of making sure the correct procedures are followed at the end of the job to allow a certificate of reoccupation to be issued;
- an understanding of what the laboratory analyst will require before doing clearance sampling and issuing the certificate of reoccupation.

### *Practical training for licensable work*

253 **For the purposes of regulation 10**, practical training is essential for those entering enclosures, including employees and supervisors. Where employees are required to use the following plant and equipment, or carry out the following work activities or procedures, they also need practical training in the:

- decontamination procedures and use of hygiene facilities;
- use of PPE, particularly RPE;
- construction of enclosures, airlocks and achieving sufficient numbers of air changes within the enclosure;

- controlled removal techniques, including the use of multiple and single needle injection systems, glovebags and wrap-and-cut techniques;
- waste removal procedures on site, including double bagging and removal through the bag lock.

#### *Record-keeping for employees carrying out licensable work*

254 **For the purposes of regulation 10**, a record of the information, instruction and training received by each individual for licensable work should be kept to:

- help employers carry out ongoing TNA;
- comply with the licensing process, where applicable;
- support individual workers in demonstrating their knowledge, skills and experience when they move from one employer to another.

#### *Competence in respirator zones*

256 **For the purposes of regulation 4**, employers carrying out licensable work in a respirator zone must make sure that only competent employees enter that respirator zone, or supervise such employees.

257 To comply with the requirements in regulation 18(4)(a) and (b), employers must be able to demonstrate that operatives and supervisors have been given adequate information, instruction and training.

#### *Competence of those providing training*

258 **For the purposes of regulation 10**, all training should be given by people who are competent to do so and who have personal practical experience and a theoretical knowledge of all relevant aspects of the work being carried out by the employer.

### **Duration of training**

259 **For the purposes of regulation 10**, the duration of training should be appropriate to:

- the type of training (whether initial training or refresher training);
- the role for which the person is being trained;
- the nature of the work (non-licensable work, NNLW and licensable work with asbestos).

## Training for examination and test methods and techniques

260 For the purposes of regulation 10, anyone who carries out any examination, testing (including clearance inspection, air monitoring and exposure monitoring) or maintenance of plant or equipment (eg LEV systems and RPE) should have sufficient training and experience in examination and test methods and techniques to ensure that they are competent.

## Provision of information and training for safety representatives

261 For the purposes of regulation 10, training for safety representatives and elected representatives of employee safety needs to be appropriate to their role.

262 For the purposes of regulation 10, employers should consult safety representatives and elected representatives of employee safety in good time about the information, instruction and training they intend to provide.

263 For the purposes of regulation 10, where the results of air monitoring show that the relevant control limit has been unexpectedly exceeded, employers should tell employees, safety representatives and elected representatives of employee health and safety about this as quickly as possible and give details of the reasons for what happened and the action taken or proposed.

## Refresher training

### *Refresher training for licensable and non-licensable work*

264 For the purposes of regulation 10, employers should identify the specific training needs of their employees so that the refresher training can be appropriately tailored to the licensable or non-licensable work being done. It should reflect the level of competence and specific training needs of the individual involved and should not be a repeat of the initial information, instruction and training.

266 For the purposes of regulation 10, refresher training for licensable and non-licensable work should be given every year, or more frequently if:

- work methods change;
- the type of equipment used to control exposure changes;
- the type of work carried out changes significantly; or
- gaps in competency are identified.

267 For the purposes of regulation 10, refresher training should include reviewing where things have gone wrong and sharing good practice.

268 **For the purposes of regulation 10**, where training needs dictate, refresher training should include an appropriate element of practical training, particularly covering decontamination procedures, use of RPE, FFT and controlled removal techniques.

## **Information and instruction for non-employees**

273 **For the purposes of regulation 10**, employers who are working on asbestos in premises have a duty to make sure, so far as is reasonably practicable, that adequate information and instruction is given to those not employed by them, who are present in the premises and could be affected by the work.

274 **For the purposes of regulation 10**, the information provided should include details of:

- the location(s) where work is taking place, so people can avoid them;
- possible risks from rearranging thoroughfares and fire exits as a result of the work being done;
- any other information to help people avoid risks from the disturbance of ACMs caused by the work being done.

276 **For the purposes of regulation 11**, employers must first decide whether they can prevent the exposure to asbestos so far as is reasonably practicable. If this is not possible then exposure must be reduced to as low as reasonably practicable.

277 **For the purposes of regulation 11**, work which disturbs, or is liable to disturb ACMs, should only be carried out when it is unavoidable.

278 **For the purposes of regulation 11**, where it is not reasonably practicable to prevent exposure to asbestos, it must first be reduced to the lowest level reasonably practicable, by means other than the use of RPE.

280 **For the purposes of regulation 11**, where it is not reasonably practicable to prevent exposure to asbestos, employers must choose the most effective method or combination of methods to minimise fibre release and reduce exposure to the lowest levels reasonably practicable. This must be documented in the written risk assessment and/or plan of work. Such work methods should include as appropriate:

- safe removal of ACMs before any other major work (such as refurbishment) begins, using the most effective methods to minimise fibre release (eg controlled wet stripping techniques);
- choosing methods that do not involve dry working and avoiding abrasion, sanding, machining or cutting etc of ACMs;
- choosing work methods with the least overall risk;

- where necessary, carrying out a pre-clean of the work area before removal work takes place, and a prompt clear-up at regular intervals, using vacuum-cleaning equipment of class H (BS 8520–3:2009) to clean up any dust and debris which may contain asbestos;
- not allowing waste to be kept on site for longer than necessary;
- removing an intact item instead of detaching ACM panelling attached to it;
- wrapping and cutting off or removing pipes at the flange joints, rather than disturbing the insulation material on them;
- re-routing cables and services away from ACMs;
- protecting ACMs from damage when working near them;
- cutting the bolts holding asbestos cement cladding or roofing sheets in place from a safe working platform and removing them whole.

282 **For the purposes of regulation 11**, employers should keep the number of both employees and others who might be exposed to asbestos at any one time as low as reasonably practicable.

283 **For the purposes of regulation 11**, employers should reduce airborne levels of asbestos to as low a level as reasonably practicable and control exposure, so that any peak exposure is less than 0.6 fibres per cm<sup>3</sup> averaged over a maximum continuous period of ten minutes. This should be done by using appropriate RPE, if exposure cannot be reduced sufficiently by other means.

## Viewing panels and CCTV for enclosures

284 **For the purposes of regulation 11**, all areas of the enclosure should be able to be monitored during work activities and this should be achieved by a combination of viewing panels and/or CCTV. The quality of the CCTV system should ensure clear and distinct pictures.

## Licensable removal work

288 **For the purposes of regulation 11**, employers must choose work methods which are most effective at reducing fibre release at source.

### *Removing asbestos insulation and asbestos coating*

289 **For the purposes of regulation 11**, for work with asbestos insulation and coating, this should involve controlled wet stripping and avoid the use of abrasive power tools.

292 **For the purposes of regulation 11**, where wet injection techniques are used, they should be used to uniformly wet the asbestos material before its removal. The wetting agent will need enough time to thoroughly penetrate the ACM, but saturation of the material should be avoided.

294 **For the purposes of regulation 11**, where the ACM is being removed from its substrate, employers must not use dry stripping methods unless there is no reasonably practicable alternative (eg stripping using a glovebag without any form of wetting is a dry method). The work method must be justified by the risk assessment and clearly detailed in the plan of work. Employers must make sure that effective measures are used to control fibre release in the work area (eg glovebags within the enclosure, vacuum transfer).

## **Maintaining plant and equipment contaminated with asbestos**

298 **For the purposes of regulation 11**, where there is a risk of asbestos fibre release, all maintenance of equipment contaminated with asbestos must be done under controlled conditions. For example when an item of plant needs to be stripped down (such as air extraction equipment), it should be carried out within a work area, permanently set aside, which is under negative pressure and which is connected to the hygiene facilities by an airlock system. Where this work is done on site it must be done in an enclosure.

299 **For the purposes of regulation 11**, employers should control dust-containing asbestos fibres at source by using LEV or controlled wetting techniques, eg airless or low-pressure spraying. Employers should take care not to overwater when working on or near electrical equipment or, alternatively, use dielectric fluids. Employees and others who carry out such maintenance work either on site or on the maintenance company's own premises will require a licence.

## **Respiratory protective equipment**

300 **For the purposes of regulation 11**, where, despite the use of other control measures, the assessment of the work concludes that exposure of workers is liable to exceed the control limit or exceed the 0.6 f/cm<sup>3</sup> peak level measured over 10 minutes, employers must provide suitable RPE. This must reduce exposure to a level as low as is reasonably practicable below the control limit. In addition, employers should make sure that RPE is used correctly by those carrying out the work. RPE should be examined before use. See paragraphs 337–344.

301 Exposure above the control limit also triggers the need for immediate steps under regulation 11(5) to inform employees and safety representatives and for respirator zones, required under regulation 18 (see paragraphs 469– 478).

302 **For the purposes of regulation 11**, RPE must be matched to:

- the job;

- the environment;
- the anticipated maximum exposure;
- the wearer (and take into account such issues as facial hair and glasses).

303 **For the purposes of regulation 11**, RPE should be compatible with any other PPE. In particular, any PPE which protects the head or eyes of employees should not affect the fit of the RPE.

304 **For the purposes of regulation 11**, employers should make sure that the selected facepiece (tight and loose-fitting types) is the right size and can correctly fit the wearer. For a tight-fitting facepiece (disposable masks, half-face masks and full-face masks) the initial selection should include fit testing to make sure the wearer has equipment which fits correctly. Employers should have systems in place to make sure that face-fit testing is carried out and repeated as necessary on a regular basis. Employers should make sure that whoever carries out fit testing is competent to do so.

305 **For the purposes of regulation 11**, repeat fit testing must be done when changing to a different model of RPE, or a different sized facepiece or if there have been significant changes to the facial characteristics of the individual wearer, eg as a result of significant weight gain or weight loss or due to dentistry.

310 **For the purposes of regulation 12**, employers should have procedures in place to make sure control measures are used and applied properly and are not made less effective by other work practices or other machinery. These procedures should include:

- regular checks, at least at the start of every shift;
- prompt action when a problem is identified.

## General duties on employees

311 Within the general duties imposed by regulation 12(2), employees should, in particular:

- use any control measures properly and keep equipment in the places provided – this includes dust suppression, extraction equipment, RPE and protective clothing;
- carefully follow the procedures set out in the employer’s risk assessment and plan of work, including those for changing and decontamination, and comply with the use of control measures;
- keep the workplace clean;
- eat, drink and smoke only in the designated places provided;



- report any defects concerning control measures to their supervisor/manager immediately.

312 **For the purposes of regulation 12**, RPE should never be taken off and put down in a contaminated area, except in the case of a medical emergency. When not in use, RPE should not be:

- hung around the neck or in any other way allowed to come into contact with contaminated clothing;
- stored in a contaminated area.

313 **For the purposes of regulation 12**, RPE and protective clothing should be:

- removed at the end of each working period;
- cleaned (see paragraph 344 for RPE and paragraphs 357–363 for PPE);
- kept in the storage place provided specifically for that purpose which is clean and will protect it from damage.

314 **For the purposes of regulation 12**, before it is used, disposable RPE should be kept in a suitable container to keep it free from contamination. Once it has been used, disposable RPE and protective clothing should be treated as asbestos waste.

315 **For the purposes of regulation 13**, employers must draw up maintenance procedures for all control measures and PPE. These should also cover the equipment used for cleaning, washing and changing facilities and the controls used to prevent the spread of contamination. The procedures should make it clear which control measures require maintenance, when and how to carry this out and who is responsible for doing it. In particular, maintenance is required for:

- enclosures;
- hygiene facilities;
- vacuum cleaners;
- air extraction equipment;
- wet injection equipment;
- disposable and non-disposable RPE, including storage.

## Enclosures

316 **For the purposes of regulation 13**, where an enclosure is being used to comply with regulation 16, employers should make sure that:

- it is properly maintained;
- a thorough visual inspection and check on the integrity of the enclosure, airlocks and ducting from air extraction equipment is carried out at least at the beginning of each shift;
- any defects found during inspection and testing are repaired immediately;
- air extraction equipment is operated while work is being carried out, during breaks and for at least one hour after each shift;
- appropriate air monitoring outside the enclosure is carried out, eg in situations where the air exhausted from the enclosure is discharged into an occupied building because it is not reasonably practicable to discharge externally;
- viewing panels are maintained/cleaned regularly to ensure good visibility;
- CCTV equipment being used should be kept in good working order;
- appropriate barriers are maintained on open sites.

317 ~~A record~~ **For the purposes of regulation 13, a record** of inspections, checks and any repairs should be kept on site for inspection by the ~~enforcing authority~~ **Department**.

## Hygiene facilities

318 ~~Where~~ **For the purposes of regulation 13, where** specific hygiene facilities are provided, employers should make daily checks throughout the duration of the work to make sure showers, heating, lighting, extractor units, battery charging facilities and residual current devices are all working.

319 ~~Keep~~ **For the purposes of regulation 13, keep** a record of inspections and defects on site for inspection by the ~~enforcing authority~~ **Department**.

320 **For the purposes of regulation 13,** showers should provide sufficient quantities of water at a reasonable temperature and pressure to allow thorough decontamination. Blocked shower rosettes and systems which result in alternate hot and cold water are not acceptable.

## Vacuum cleaners

321 **For the purposes of regulation 13,** a class 'H' vacuum cleaner (BS 8520-3:2009) is required for licensable work with asbestos and can be used for non-licensable work.

Where class H vacuum cleaners are used, employers should also make sure that the equipment is:

- inspected daily when in use to ensure that the equipment works effectively and provides adequate suction;
- inspected weekly when in use to ensure it is in good condition, it is not damaged and is working effectively;
- thoroughly tested and inspected every six months by a competent person.

322 ~~A record~~ **For the purposes of regulation 13, a record** of inspection, examination, maintenance and of any defects repaired must be kept on site for inspection by the ~~enforcing authority~~ **Department**.

323 **For the purposes of regulation 13**, during licensable work, the waste bag must be inspected regularly to see if it needs to be emptied. Inspection and changing should be done under controlled conditions to prevent spread of contamination (ie within the enclosure by workers wearing PPE, including RPE).

324 **For the purposes of regulation 13**, where class H vacuum cleaners are used for non-licensable work, arrangements will need to be made to ensure that the waste bag is replaced (as necessary) under controlled circumstances.

## Air extraction equipment

326 **For the purposes of regulation 13**, all necessary air extraction equipment (including air movers and negative pressure units) should be:

- visually inspected daily when in use;
- thoroughly examined and tested every six months by a competent person to make sure it is working properly to its design.

327 **For the purposes of regulation 13**, this includes extraction units on hygiene facilities and relevant equipment in laboratories handling asbestos.

328 ~~A record~~ **For the purposes of regulation 13, a record** of inspection, examination, maintenance and of any defects repaired must be kept on site for inspection by the ~~enforcing authority~~ **Department**.

## Wet injection equipment

329 ~~All wet~~ **For the purposes of regulation 13, all wet** injection equipment should be:

- visually inspected daily when in use;

- thoroughly examined and tested every 12 months by a competent person to make sure it is working properly to its design specification.

330 ~~A record~~ **For the purposes of regulation 13, a record** of inspection, examination, maintenance and of any defects repaired must be kept on site for inspection by the ~~enforcing authority~~ **Department**.

## Respiratory protective equipment

### *Disposable RPE*

331 **For the purposes of regulation 13**, disposable RPE should always be:

- stored in a suitable safe and clean location before use;
  - examined in accordance with the manufacturer's instructions before use (pre-use examination) to make sure it is not damaged and is in good working order;
  - disposed of as asbestos waste after use.
- 332 Pre-use examination should include checks on the condition of the:
- straps;
  - facepiece, including the seal and nosepiece;
  - exhalation valve, if fitted.

333 **For the purposes of regulation 13**, a face-fit check must be done to make sure the mask fits properly.

334 **For the purposes of regulation 13**, a copy of the manufacturer's user instructions should be available to the wearer. This will give information on simple fit checks, such as those involving blocking filters and inhaling to create suction inside the mask so any leakage can be detected.

### *Non-disposable RPE*

335 **For the purposes of regulation 13**, effective protection from non-disposable RPE is dependent on maintaining the equipment in good condition and in working order, through sufficient cleaning and decontamination and by carrying out regular checks and examinations. There are three separate examinations which should be carried out:

- a 'pre-issue' examination which needs to be carried out by a competent person before the RPE is issued to a wearer;

- ‘periodic examinations’ by a competent person regularly to make sure the RPE is in efficient working order;
- a ‘pre-use’ examination, carried out by the wearer before the RPE is used.

336 **For the purposes of regulation 13**, all wearers of non-disposable RPE should have received sufficient training to be able to complete the necessary checks.

*Pre-issue and thorough examination and test*

337 **For the purposes of regulation 13**, a competent person should examine non-disposable RPE before it is issued to any wearer for the first time. In addition, non-disposable RPE should also be given a thorough examination and test by a competent person at periodic intervals (see paragraphs 335–336). The pre-issue examination and thorough examination and test should visually examine each component in detail to make sure it is in good condition, is not damaged, cracked, broken or perished and it is working properly. In particular it should check:

- the condition of the head harness and facepiece (including the face seal, visor and breathing hose if fitted);
- the condition of inhalation and exhalation valves (if fitted);
- the condition of any threaded connections, gaskets and seals to ensure they can be fastened securely;
- that filters, where fitted, are the right type, undamaged, are fitted correctly and within their shelf life;
- the condition of the battery unit and its charge;
- the airflow rate.

338 **For the purposes of regulation 13**, the examinations and testing should also include any additional checks as specified in the manufacturer’s instructions.

339 **For the purposes of regulation 13**, where air-fed RPE is used, the following checks will be necessary as part of the thorough examination and test. Check:

- the compressed air supply tube, low pressure tube and breathing hose for damage, eg splits, holes, deformation etc;
- the connection of the compressed air supply tube to a belt or harness is robust and takes the weight of the tube;
- the pressure/flow regulator is in good condition and where designed, permits user adjustment;

- the low flow/pressure warning indicator, eg warning whistle, is functioning and has not been modified;
- both modes of operation, ie filtering and air fed, are functional and that the changeover connection/switch is working correctly.

#### *The ‘pre-use’ examination by the wearer*

340 **For the purposes of regulation 13**, this should follow the same checks as those listed in paragraph 332 but does not need to involve the equipment being disassembled. The RPE should also be checked by the wearer before and after it is used to make sure that it is free from contamination and has not been damaged. There should also be a fit check to ensure the mask is properly fitted by the wearer.

#### *Frequency of tests*

341 **For the purposes of regulation 13**, thorough maintenance, examinations and, where appropriate, tests of non-disposable RPE should be carried out at least every month, or more frequently where the risks to health and the exposure conditions are more severe.

342 ~~However~~ **For the purposes of regulation 13**, in situations where respirators are only occasionally used, the RPE should be examined and tested before it is next used and maintenance carried out as appropriate. The person responsible for managing the maintenance of the RPE should decide on suitable intervals between examinations, but this should not exceed three months for equipment in use. Emergency escape RPE should be examined and tested following the manufacturer’s instructions.

#### *Record keeping*

343 ~~A record~~ **For the purposes of regulation 13, a record** of fit testing, inspection, examination, maintenance and any defects that are repaired must be kept available on site for five years for inspection by the ~~enforcing authority~~ **Department**.

#### *Decontamination, cleaning and storage of non-disposable RPE*

344 ~~There are~~ **For the purposes of regulation 13, there are** specific requirements for the decontamination, cleaning and storage of non-disposable RPE. The equipment needs to be:

- decontaminated, cleaned and dried after each use;
- disinfected whenever the equipment is being transferred from one wearer to another;
- stored in a suitable safe and clean location before use.

## Suitability of protective clothing

345 For the purposes of regulation 14, as part of the assessment for work with asbestos, employers must decide whether or not protective clothing is required. They should start with the assumption that protective clothing will be needed, unless there is no potential for physical contamination and/or airborne exposures will be extremely slight and infrequent. For licensable work, exposure is liable to be significant and employers will always need to provide a full set of PPE.

346 For the purposes of regulation 14, protective clothing must be suitable and include footwear, whenever employees are liable to be exposed to a significant amount of asbestos debris or fibres. It should be appropriate for the job and protect the parts of the body likely to be affected. To be suitable, depending on the circumstances, the protective clothing must:

- fit the wearer;
- be loose enough to avoid straining and ripping the seams;
- be comfortable enough to allow for the effects of physical strain;
- be suitable for cold environments;
- prevent penetration by asbestos fibres;
- be elasticated at the cuffs, ankles and on the hoods of overalls and designed to ensure a close fit at the wrists, ankles, face and neck;
- not have any pockets or other attachments which could attract and trap asbestos dust;
- be easy to decontaminate or dispose of.

347 For the purposes of regulation 14, where indicated by the risk assessment, disposable overalls with a hood and boots without laces will be required. Where disposable overalls are used, Type 5 (under BS EN ISO 13982-1:2004+A1:2010),<sup>15</sup> are suitable.

## Removal of contaminated protective clothing

352 For the purposes of regulation 14, protective clothing should be:

- removed before taking off RPE;

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<sup>15</sup> BS EN ISO 13982-1:2004+A1:2010 Protective clothing for use against solid particulates. Performance requirements for chemical protective clothing providing protection to the full body against airborne solid particulates (type 5 clothing) British Standards Institution.

- removed before leaving the work area for any reason (including for meal breaks, other breaks and at the end of the shift);
- cleaned before removal. For licensable work use a class 'H' (BS 8520-3:2009) vacuum cleaner fitted with suitable attachments. For non-licensable (including NNLW) work, wet wiping may be adequate, based on the outcome of the risk assessment.

353 **For the purposes of regulation 14**, if the protective clothing is to be reused (eg in licensable work), it should be placed in a storage area specifically provided for that purpose (eg in the airlock). If it is not to be reused, it should be placed in a suitable waste bag. If the clothing is to be removed from the premises for cleaning or disposal, it should be sealed in a labelled, dust-tight bag.

354 **For the purposes of regulation 14**, if an enclosure is being used, and the main hygiene facilities are connected to the enclosure, then, after preliminary decontamination in the airlock, protective clothing, including footwear, should be removed in the dirty end of the hygiene facility.

355 **For the purposes of regulation 14**, if the main hygiene facilities are not connected to the enclosure, employers will need to provide additional overalls (of a different colour to those worn inside the enclosure) for employees to wear after preliminary decontamination has taken place in the airlock, to allow transfer to final decontamination at the main hygiene facilities. Separate footwear should also be provided for use between the airlock and the main hygiene facilities.

356 **For the purposes of regulation 14**, following work in enclosures, employers should make sure that non-disposable clothing and towels for washing are collected from the airlock and hygiene facility as soon as they have been discarded.

## Cleaning, maintenance and storage

357 **For the purposes of regulation 14**, protective clothing and towels that cannot be disposed of must be effectively washed after every shift. If the employer does not have the facilities and expertise for laundering asbestos-contaminated clothing, the employer must send it to a specialist laundry. Asbestos-contaminated clothing going to a laundry should first be placed in dust-tight bags which are soluble in hot water and can be loaded, unopened, into a washing machine. Place inner bags inside a second bag, which is labelled and is strong enough to remain dust-tight during transport and handling. Dripping wet overalls and other types of PPE should not be put into soluble bags as they may cause the bags to partially dissolve during transport, which could result in dust release when the outer bags are removed.

358 **For the purposes of regulation 14**, in most cases employers should treat disposable overalls as asbestos waste and dispose of them properly after every shift. Disposal after a single use may not be necessary for overalls used for occasional sampling, where there is a low risk of contamination.



359 **For the purposes of regulation 14**, at the end of the working period, employers must make sure that the bagged, contaminated protective clothing is:

- placed in a specific storage area; or
- disposed of as asbestos waste (especially disposable overalls which should be disposed of after every shift); or
- prepared for dispatch to a laundry.

360 **For the purposes of regulation 14**, asbestos surveyors and those sampling materials for asbestos who do occasional sampling should use their judgement to determine whether or not their overalls may have been contaminated and need to be disposed of.

361 **For the purposes of regulation 14**, contaminated protective clothing or materials must never be taken home. This includes contaminated towels, which should either be effectively washed after every shift or disposed of as contaminated waste.

362 **For the purposes of regulation 14**, where the contaminated clothing is cleaned on the premises, or by a specialist laundry, the washer and drier used must be dedicated for this use to prevent the spread of any asbestos to other items of laundry. The room containing the washer and drier should have its own LEV, preferably an air mover fitted with high efficiency particulate arrest (HEPA) filtration. The employee loading the washer should be wearing suitable RPE for protection. The air from the drier should be discharged to the external atmosphere and never to an occupied workroom. Separate washing cycles should be used for heavily and lightly contaminated items.

363 **For the purposes of regulation 14**, the waste water from the washer should be filtered before going to drain. The filter should be treated as contaminated asbestos waste and disposed of as such when it is being replaced.

## Uncontrolled release of asbestos

364 **For the purposes of regulation 15**, employers must deal with all uncontrolled releases of asbestos into the workplace, quickly and appropriately. This applies to circumstances where asbestos is accidentally disturbed as a result of work or where asbestos is unintentionally released as a result of a failure of control measures, such as a leak from an enclosure.

365 **For the purposes of regulation 15**, the steps required to clean up such releases must be appropriate for the scale of the release and the potential for further release and spread of fibres.

366 **For the purposes of regulation 15**, the clean-up of any release that leads to potential exposures at or above the control limit or that are not sporadic and of low

intensity, eg releases of asbestos lagging, loose fill, asbestos coatings (not textured coatings) or large-scale releases of AIB must be done by a licensed contractor.

### *What to do if there is a release*

368 **For the purposes of regulation 15**, in all cases, where there has been an uncontrolled release of asbestos materials into the workplace, employers should take steps to:

- warn people who may be affected;
- exclude people from the area, who are not needed to deal with the release;
- identify the cause of the uncontrolled release;
- regain adequate control as soon as possible.

369 **For the purposes of regulation 15**, employers must make sure that:

- anyone in the work area affected who is not wearing PPE, including RPE, leaves that area immediately;
- arrangements are made to decontaminate anyone who is contaminated with dust and debris;
- any clothing or PPE is decontaminated or disposed of as contaminated waste;
- measures are taken to contain and reduce fibre release.

370 **For the purposes of regulation 15**, for any employee who was not wearing adequate RPE or has been potentially exposed to asbestos fibres in an incident, a note that the exposure has occurred must be made on that employee's health record. If the employee does not have a health record, the note must be made on that employee's personal record.

### *How to clean up after a release*

371 **For the purposes of regulation 15**, if contamination is severe, a licensed contractor and analyst should be employed to thoroughly clean and check the area respectively. When cleaning up after a release, the employer must make sure that:

- the contaminated area is thoroughly cleaned of visible debris or dust that may have become contaminated by asbestos fibres;
- employees doing this work wear appropriate PPE, including RPE;
- employees use equipment and procedures appropriate for the task and have appropriate training and expertise;

- supervisors or managers make a careful check to make sure the work has been properly carried out;
- checks are made to make sure the area is thoroughly cleaned and safe for reoccupation. Air sampling should be done to confirm that the remedial measures taken have been effective;
- only those people essential for carrying out repairs and other necessary cleaning and maintenance work are allowed into the affected area (other than emergency services).

372 **For the purposes of regulation 15**, for non-licensable work, detailed guidance on the controls and procedures to be followed is available in Asbestos essentials and for licensable work in The licensed contractors' guide.

### **Accidents, incidents or emergencies involving licensable work**

373 **For the purposes of regulation 15**, when carrying out any licensable work, employers must have prepared procedures to put into effect if there is an accident, incident or emergency, which could put people at risk, because asbestos is present.

374 **For the purposes of regulation 15**, employers must also make sure information about emergency procedures is given to anyone who may be affected, including employees, others and the emergency services.

375 **For the purposes of regulation 15**, employers should give employees enough information and instruction to properly protect themselves. This should include procedures for:

- raising the alarm;
- evacuation – and these drills should be tested and practised at regular intervals;
- communicating within and between work areas;
- contacting the emergency services;
- decontamination;
- clean-up.

### **Contacting the emergency services**

379 **For the purposes of regulation 15**, for licensable work, there should be arrangements in place for contacting the emergency services if they are needed.

380 **For the purposes of regulation 15**, if there is an incident, accident or other emergency, employers must ensure sufficient information is available to the relevant

accident and emergency services so they can prepare their own response procedures and precautionary measures. This includes:

- communication arrangements on site;
- the type, condition and location of the asbestos;
- details of relevant hazards;
- arrangements for evacuation;
- decontamination procedures;
- the clean-up procedure.

## Preventing/reducing the spread of asbestos

382 **For the purposes of regulation 16**, employers should select and use work methods that will reduce the disturbance and release of asbestos fragments and fibres to minimise the risk of spread, eg by removing items intact or whole and by using dust suppression techniques.

383 **For the purposes of regulation 16**, inside the work area, ACMs must never be left loose or in a state where they can be trampled on or spread. All asbestos waste should be bagged or wrapped promptly after removal and the waste should be removed from the work area regularly.

## Enclosures

384 **For the purposes of regulation 16**, for most licensable work with asbestos, it is likely that a full enclosure will be required, unless it is not reasonably practicable.

### *Enclosures for non-licensable work (including>NNLW)*

385 **For the purposes of regulation 16**, full enclosures will not normally be required for non-licensable work with asbestos cement or other bonded materials or for some work outside or in remote areas. However, a partial enclosure should be used for removing external asbestos cement soffits. Information on enclosure types is provided in The licensed contractors' guide and Asbestos Essentials.

386 **For the purposes of regulation 16**, for other non-licensable work:

- full enclosures must be used where there is risk of airborne or significant internal physical contamination (eg from debris);
- a full enclosure should be used for large-scale work (eg on textured coatings);
- a mini-enclosure may be used where work is minor;

- where a full enclosure is used for non-licensable work, air extraction airflow rates as specified for licensable work should be used.

387 **For the purposes of regulation 16**, where enclosures are not used, the employer's risk assessment should establish what will be required to make sure that, as far as is reasonably practicable:

- the spread of asbestos is prevented;
- people not involved in the work are excluded from the area;
- the work area is totally cleaned after work is completed.

#### *Enclosures for licensable work*

388 **For the purposes of regulation 16**, employers should make sure that, as far as is reasonably practicable, the work area is completely enclosed, to contain any asbestos debris and airborne asbestos fibres, by:

- erecting a purpose-made enclosure; or
- sealing the whole or part of the area where the work is to be carried out.

389 **For the purposes of regulation 16**, for most licensable work, which is not external or in a remote area, a full fit-for-purpose enclosure will be required and should have:

- a three-stage airlock with openings to allow entry and exit, designed to prevent or reduce spread of fibres out of the enclosure and that allows progressive personal decontamination on exit;
- a three-stage bag lock, with separate openings for removal of waste fitted with their own airlocks to reduce the spread of fibres out of the enclosure during removal of waste;
- airlocks of sufficient size (1 m x 1 m x 2 m minimum where space permits) to allow siting of decontamination equipment (eg footbath and bucket) and effective preliminary decontamination. There should be weighted flaps on each of the airlocks, located on the enclosure side;
- air extraction with high efficiency particulate arrest (HEPA) filtration and sufficient capacity to maintain a reduced air pressure in the enclosure, to a level that is below that outside the enclosure (negative pressure). The filtered air from the extraction unit should be discharged to the external atmosphere wherever reasonably practicable;
- an airflow of at least 8 air changes per hour for enclosures greater than 120 m<sup>3</sup> in size or an airflow of at least 1000 m<sup>3</sup> per hour for enclosures less than 120 m<sup>3</sup> in size. The enclosure size should include additional

areas introduced during the asbestos removal, eg ceiling voids. The airflow provided by the negative pressure unit(s) should be based on the current performance of the equipment and not the original design specification;

- viewing panels and/or CCTV. The panels should allow as much of the work area as possible to be viewed and should be kept clean/unobscured. Where viewing panels are impractical, eg in basements and upper floors, or do not cover all areas, use effective closed-circuit cameras.

390 **For the purposes of regulation 16**, if heating, ventilation and air-conditioning systems are present in the area where the enclosure is, they should be turned off and sealed for the duration of the work activity.

391 **For the purposes of regulation 16**, erecting scaffolding when it is foreseeable that the asbestos may be disturbed, and/or when the scaffold forms part of a live enclosure will be licensable work.

392 **For the purposes of regulation 16**, the ends of any scaffold tubes used in the enclosure or to access the asbestos work area must be sealed.

393 **For the purposes of regulation 16**, where the structure of a building forms part of the enclosure, the employer should make sure of the effective sealing of areas such as:

- windows, doors, vents, grilles and apertures through which pipes and other services/facilities may allow air to pass through;
- surfaces which may not be easy to access or clean.

394 **For the purposes of regulation 16**, enclosures should normally be designed and constructed so that asbestos materials are not disturbed until the enclosure is complete and under negative pressure. Where this is not possible (eg the area is already contaminated with asbestos debris):

- the asbestos debris must be cleaned up using methods to minimise fibre release before the enclosure is built;
- suitable PPE and RPE should be worn during pre-cleaning and any work likely to disturb asbestos during the building of enclosures.

395 **For the purposes of regulation 16**, before starting work in the enclosure, a thorough visual inspection and smoke test must be conducted to check the enclosure's integrity. The filtered air extraction equipment must be tested to ensure it is achieving negative pressure and the required air change rate.

396 **For the purposes of regulation 16**, where reasonably practicable, connect hygiene facilities for final personal decontamination directly to the enclosure airlock

system or, if this cannot be done, they should be as close as is practicable and procedures for preliminary decontamination and transiting should be drawn up and followed.

397 **For the purposes of regulation 16**, where reasonably practicable, the ‘transit’ and ‘waste’ routes should avoid occupied areas or, if that is not possible, the work should be carried out when the required transit areas are not occupied. If this cannot be done, conduct more rigorous preliminary decontamination and carry out more frequent inspection, checking and cleaning the routes.

398 **For the purposes of regulation 16**, partial enclosures may be used for external removal of AIB soffits where full enclosures are not reasonably practicable.

399 **For the purposes of regulation 16**, where enclosures are not used, additional controls, monitoring and inspection will be required to make sure that, so far as is reasonable practicable, the spread of asbestos is prevented and the work area is thoroughly cleaned.

## Decontamination procedures for licensable work

### *Preliminary decontamination procedures*

400 **For the purposes of regulation 16**, employers must have clear procedures in place to prevent the spread of asbestos and the consequential potential risk of exposing others. These should cover employees leaving enclosures and removing waste from enclosures. Procedures should include making sure that:

- most contamination on employees is removed during the preliminary decontamination procedure within the enclosure and airlock;
- employees use a ‘buddy’ system to clean their PPE and RPE as thoroughly as possible whenever they leave the enclosure or work area;
- dedicated class H (BS 8520-3:2009) vacuum cleaning equipment is provided and fitted with suitable tools. It should be located inside the enclosure, immediately next to the airlocks;
- remaining residues are removed in the showers in the main hygiene facility;
- contaminated clothing is not taken into the shower area or the clean end of the hygiene facility.

401 **For the purpose of regulation 16**, exits (for people or waste bags) should be designed and constructed to prevent, or if that is not possible, minimise, the escape of airborne fibres and allow ‘negative-pressure’ equipment to operate effectively.

402 **For the purpose of regulation 16**, in transiting situations, in the inner stage of the air lock, footwear should be cleaned in the footbath using a brush. Respirators (still worn and with the motor still running if using a powered-assisted model) should be wiped with wet cloths or sponges, using separate washing facilities to those provided for the footwear. All cloths, wipes and brushes should be treated as contaminated waste.

403 **For the purposes of regulation 16**, in the middle stage of the airlock, work overalls and boots should be removed and retained for next use. Transit overalls and footwear should be put on in the final compartment (outer stage) of the airlock.

404 **For the purposes of regulation 16**, any plant or equipment contaminated with asbestos must be thoroughly decontaminated before it is removed from the enclosure for other use or disposal. If it cannot be decontaminated:

- the equipment must be cleaned so far as is reasonably practicable and wrapped or sealed to prevent release of asbestos;
- the outer surface of the wrapping or seal must be decontaminated before the plant/equipment is moved;
- exposure to and spread of asbestos must be prevented when unwrapping/unsealing plant and equipment.

#### *Final decontamination procedures*

405 **For the purposes of regulation 16**, RPE should not be removed until the wearer is in the shower and the respirator has been effectively wetted. In exceptional circumstances, eg where wearing full-facepiece-powered RPE during transiting introduces additional risks (eg lack of visibility or tripping), a suitable disposable respirator, or half-mask respirator can be worn between the enclosure and hygiene facilities. The exterior of RPE should be fully wiped clean before transiting. This procedure must be justified in the risk assessment. Also:

- thoroughly cleaned RPE can be taken out through the 'clean' area;
- disposable towels and equipment (eg RPE filters) should be treated as asbestos waste;
- contaminated equipment will need to be put into a sealable container and then taken out through the dirty area.

406 **For the purpose of regulation 16**, once the removal of asbestos has started and until the area has been thoroughly cleaned ready for four-stage clearance, anyone (including analysts and supervisors) leaving the enclosure or working area should carry out preliminary and final decontamination (by properly using the main hygiene facilities, including the shower). The only exception to this is where there is an acute risk to workers' health or safety due to a medical emergency in the enclosure.



## Removal of waste from full enclosures

407 **For the purpose of regulation 16**, where practicable, remove waste bags from the enclosure via a separate bag lock. Waste bags should be placed in the inner stage of the bag lock, where they are decontaminated before being passed into the middle compartment of the bag lock.

408 **For the purposes of regulation 16**, in the middle stage of the bag lock, the waste bags should be placed into a second bag (ie an outer bag), sealed and the outer bag wiped down. The double-bagged waste should be placed in the outer stage of the bag lock.

409 **For the purposes of regulation 16**, the waste should be removed promptly from the outer stage of the bag lock by an ‘outside worker’ wearing appropriate PPE and RPE. The bags should be transferred directly to the waste skip or vehicle.

410 **For the purposes of regulation 16**, under no circumstances should people exit the enclosure via the bag lock.

411 **For the purposes of regulation 16**, where it is not practicable to have a separate bag lock system, the bag lock should be constructed from the inner or middle stage of the three-stage airlock which provides the entry/exit system for people. Waste bags should never be taken through the main hygiene facilities.

## Waste removal outside the enclosure

412 **For the purposes of regulation 16**, all waste should be double bagged and the bags wiped down to remove surface contamination. Waste should be transported between the enclosure or work area and the skip or removal vehicle using the route likely to be safest during normal transit.

## Licensable work in open sites

413 **For the purposes of regulation 16**, where it is not reasonably practicable to enclose the work area:

- the work area should be marked by suitable warning notices and physical barriers appropriately placed;
- employers must assess the risks to workers and others nearby and if necessary, and as far as is reasonably practicable, the work should be done when other workers or members of the public are not nearby.

414 **For the purposes of regulation 16**, where it is not reasonably practicable to build a full enclosure, other containment and dust-suppression techniques should be used to prevent the spread of asbestos.

415 **For the purposes of regulation 16**, where an enclosure is not used, the risk assessment should establish what will be required to ensure that, as far as is reasonably practicable, the spread of asbestos is prevented and the work area thoroughly cleaned.

## Static sampling/air monitoring

416 **For the purposes of regulation 16**, air monitoring to reduce risks from spread of asbestos is required to:

- measure the background concentration of asbestos fibres in the work area during work, to check that the control measures are effective;
- measure background fibre levels outside the enclosure, particularly when the enclosure is in occupied premises. Check for fibre leaks around the perimeter of the enclosure and at the airlock and bag lock positions. Also conduct testing at the discharge location of the air extraction equipment, where it is sited internally;
- measure background fibre levels inside the enclosure when the asbestos work is complete, to ensure that it has been thoroughly cleaned and decontaminated before dismantling;
- carry out measurements for reassurance, eg after accidental release of asbestos fibres.

419 **For the purposes of regulation 17**, to help cleaning and prevent the spread of asbestos, employers must choose work methods and equipment to prevent or reduce release of fibres and the build-up of asbestos waste on floors and surfaces in the working area. Wherever practicable, waste should be transferred directly into waste bags as workers remove the asbestos materials.

420 **For the purposes of regulation 17**, employers must make sure that any asbestos dust and debris is cleaned up and removed regularly to prevent it accumulating (and drying out where wet removal techniques have been used), and at least at the end of each shift.

421 **For the purposes of regulation 17**, procedures for cleaning premises and plant will need to take account of the need for cleaning following an accidental and uncontrolled release of asbestos.

## Further measures

422 **For the purposes of regulation 17**, procedures will need to be set up for cleaning:

- working areas, including transit and waste routes;
- plant and equipment;

- hygiene facilities.

423 **For the purposes of regulation 17**, dustless methods of cleaning should always be used. This includes, wherever practicable, providing dedicated class H (BS 8520-3:2009) vacuum cleaning equipment fitted with suitable tools. Procedures for cleaning should make clear:

- the items and areas to be cleaned;
- how often they need to be cleaned;
- the cleaning methods, which should not create dust;
- any special precautions which need to be taken during cleaning, including the low-dust technique to be used, and the measures to take to reduce the spread of dust.

424 **For the purposes of regulation 17**, dry manual brushing, sweeping or compressed air must not be used to remove asbestos dust.

## Clean-up when work finishes

425 **For the purposes of regulation 17**, when work with asbestos comes to an end, the work area should be thoroughly cleaned before being handed over for reoccupation or for demolition. All visible traces of asbestos dust and debris should be removed and a thorough visual inspection carried out.

426 **For the purposes of regulation 17**, where the work is licensable then the four-stage clearance procedure, which includes air sampling (see paragraph 438), should be carried out and a certificate for reoccupation issued.

427 **For the purposes of regulation 17**, where licensable work is done out of doors (eg soffit removal), then clearance air sampling will not be needed. In this situation, the certificate for reoccupation should still be completed, but without stage 3 (air monitoring).

428 **For the purposes of regulation 17**, clearance air sampling is not required for non-licensable work. However, a written statement of cleanliness will be required for the work area for some non-licensable work, eg after large-scale removal of textured coatings (see paragraphs 464–467).

## Site clearance process for licensable work

430 **For the purposes of regulation 17**, once asbestos removal is complete, the premises must be assessed to determine whether they are thoroughly clean and so fit to be returned to the owner/occupier. It is important that this includes the premises, any plant or equipment or parts of the premises where work with asbestos has taken

place and the surrounding areas, which may have been contaminated. The areas requiring assessment for site clearance certification for reoccupation include the:

- enclosed area (including ceiling voids where AIB ceiling tiles have been removed and airlock and baglock) or the delineated work area where an enclosure has not been used;
- immediate surrounding area (for enclosures this will include the outside of walls and underneath polythene floors; for delineated areas this will include surfaces nearby either where asbestos may have been spread or where the pre-cleaning was not done properly);
- transit route if one has been used;
- waste route and area around the waste skip.

431 **For the purposes of regulation 17**, those employing an organisation to carry out the four-stage clearance must ensure that the organisation is accredited to meet the relevant criteria in ISO 17020 and ISO 17025<sup>16</sup>.

432 **For the purposes of regulation 17**, the four-stage clearance should be carried out by the same organisation, and preferably by the same person, as this will help continuity and consistency and will avoid problems with interfaces at each stage of the process. The organisation carrying out the four-stage clearance should have the necessary independence to act completely impartially. If the analyst is contracted by the building owner/occupier, a copy of the clearance certificate should be made available to the asbestos removal company.

#### *Site clearance certification for reoccupation*

##### *Duties and roles*

434 **For the purposes of regulation 17**, employers have duties to:

- make sure other people are not exposed to asbestos;
- prevent the spread of asbestos;
- ensure that the premises or parts of premises where work with asbestos has taken place are thoroughly cleaned.

435 **For the purposes of regulation 17**, compliance with these duties is helped by:

- pre-cleaning where necessary;

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<sup>16</sup> BS EN ISO/IEC 17025:2005 General requirements for the competence of testing and calibration laboratories British Standards Institution.

- choosing methods which reduce the amount of airborne asbestos and asbestos pieces to the lowest level reasonably practicable;
- controlling the waste produced;
- using enclosures to prevent spread of asbestos;
- thorough cleaning of the work area and areas which may have become contaminated;
- visual inspection of the work area and areas which may have become contaminated;
- obtaining a clearance certificate for reoccupation of the area and a separate clearance certificate for the hygiene facility.

436 **For the purposes of regulation 17**, site clearance certification for reoccupation should only be done when work has been completed and the employer of those who did the work has made sure the areas requiring clearance assessment have been thoroughly cleaned and allowed to dry. To do this, employers should follow the guidance in paragraph 459 on checking site condition, job completeness and carrying out a thorough visual inspection. Site clearance certification for reoccupation should normally be done in four successive stages, with the next stage only being started when the previous one has been finished.

### **Four-stage process for licensable work**

438 **For the purposes of regulation 17**, the four stages of site clearance certification for reoccupation are:

- Stage One – preliminary check of site condition and job completeness;
- Stage Two – a thorough visual inspection inside the enclosure/work area;
- Stage Three – clearance air monitoring – this is not required for external work;
- Stage Four – final assessment post-enclosure/work area dismantling.

439 **For the purposes of regulation 17**, where practical, the areas to be assessed should be dry. So sealants (such as PVA) should not be used before any visual inspections or disturbed air tests. Where it is not practical for the area to be dry (eg where water occurs naturally) this fact should be recorded before the site clearance process begins.

440 **For the purposes of regulation 17**, occasionally some surfaces or materials, eg concrete, require sealing before the disturbed air test, because they produce quantities of non-asbestos dust which would lead to an apparent failure in the air test. The use of

sealants in this circumstance should only be done under the direction of the person carrying out the air test and the fact recorded before the clearance process begins.

441 **For the purposes of regulation 17**, in some circumstances, the floor of an enclosure may be covered with a ‘sacrificial’ layer of suitable floor material to prevent damage to the polythene underneath it, reduce the risk of slips and allow safe use of access equipment. Dust or debris may have penetrated between the sacrificial layer and the polythene, and it will be necessary to take up the covering (which may need to be disposed of as hazardous waste) before site clearance certification.

442 **For the purposes of regulation 17**, the extent of the immediate surrounding area will have to be established on an individual job basis. Areas near the work area where asbestos may have spread or that may not have been pre-cleaned before the start of the asbestos work should be included as part of the immediate surrounding area. These areas should be inspected as part of the four-stage clearance certification. Failing to do this may lead to risk of exposure during future work in the premises, because there is still asbestos contamination.

## **Stage One: Preliminary check of site condition and job completeness**

443 **For the purposes of regulation 17**, the scope of clearance should be established. The plan of work kept at the work site should be checked and the extent of the clearance being sought agreed between the analyst and the asbestos removal contractor. The scope of the clearance should be recorded (eg on a diagram). A note should be made of any remaining asbestos outside the scope of the work.

444 **For the purposes of regulation 17**, the work area, enclosure, hygiene facilities, and controls should be intact, operating and clean, with all ACMs included in the scope of the work and non-essential equipment decontaminated and removed. The hygiene facilities should remain operable until a certificate for reoccupation has been issued. The work area, surrounding area, transit route, waste route, together with the area around the waste disposal storage and all sections of the hygiene facility must be free of obvious asbestos-containing waste and debris of any kind. If a viewing panel is fitted to the enclosure, this should be looked through so that a preliminary check can be made of the inside of the enclosure to see whether it contains any waste and debris. The result of these pre-inspections should be recorded.

## **Stage Two: Thorough visual inspection**

445 **For the purposes of regulation 17**, a thorough visual inspection should then be carried out to make sure that all visible traces of asbestos and other dust and debris have been removed, as far as is reasonably practicable, from the enclosure (including airlocks) or work area. It is important to refer to the plan of work to check that all the asbestos due to be removed has been removed. To be thorough, this visual inspection should consist of the following three checks:

- the completeness of the removal of the ACM from the underlying surfaces and adjacent areas;
- the presence of any visible asbestos debris left inside the enclosure and airlocks or work area where there is no enclosure;
- the presence of fine settled dust on all surfaces, including high levels. Surfaces should be checked in hard-to-reach areas, eg high shelved areas, ceiling voids, door and window lintels etc.

### Stage Three: Clearance air monitoring

448 **For the purposes of regulation 17**, following successful completion of the thorough visual inspection, and before the enclosure is dismantled or the work area handed back to the owner/occupier, carry out air monitoring to check that the concentration of airborne fibres remaining in areas affected by the work is as low as is reasonably practicable. For enclosures, this is carried out with the enclosure intact and dry, but with the negative pressure unit switched off and the pre-filter capped and sealed.

449 **For the purposes of regulation 17**, the monitoring should be accompanied by activities which raise dust from the surfaces at least to a level consistent with normal use of the area and possible future work activities.

450 **For the purposes of regulation 17**, a record should be made of the type of disturbance method and the length of time it is carried out for. As many areas will subsequently be subjected to normal cleaning activities, air disturbance tests should be carried out, using a brush to raise potential dust. Any person carrying out air disturbance must wear appropriate PPE/RPE.

451 **For work the purposes of regulation 17**, for areas without enclosures, reassurance or background air testing is more appropriate than a disturbed air test.

452 **For the purposes of regulation 17**, in most cases it will be reasonably practicable to clean the working area thoroughly enough for the airborne fibre concentration in the enclosure/work area, after final cleaning, to be less than 0.01 f/cm<sup>3</sup>. If measurements of 0.01 f/cm<sup>3</sup> or more are found, an investigation will need to be carried out to find out the cause. If it is found that the enclosure or work area has not been cleaned properly, it must be re-cleaned, visually inspected and re-monitored.

453 **For the purposes of regulation 17**, the threshold of less than 0.01 f/cm<sup>3</sup> should be taken only as a transient indication of site cleanliness, in conjunction with the thorough visual inspection, and not as an acceptable, permanent environmental level.

454 **For the purposes of regulation 17**, air monitoring is not required for external work on asbestos, eg soffit work. However the other three stages of clearance should be followed and a certificate for reoccupation issued when these have been completed.

## **Stage Four: Final assessment post-enclosure/work area dismantling**

457 **For the purposes of regulation 17**, once the enclosure or work area has passed visual inspection and clearance air monitoring, the enclosure or work area can be dismantled. Dedicated class H (BS 8520-3:2009) vacuum cleaning equipment fitted with suitable tools and suitable PPE, including RPE, should be available during dismantling, so any small amounts of asbestos debris which have become lodged behind the fabric of the enclosure or within folds in the polythene sheeting or on the floor underneath can be removed. Once the enclosure or work area has been dismantled, the area should again be visually inspected to make sure all debris has been removed.

458 **For the purposes of regulation 17**, where there is evidence of dust and debris being released during dismantling of the enclosure, and this cannot be easily removed by vacuum, the site should be re-enclosed, re-cleaned, the visual inspection repeated and a disturbed air test carried out to make sure that the airborne asbestos fibre concentration is as low as is reasonably practicable, and in any case below the clearance indicator.

### *Clearance for reoccupation certification*

459 **For the purposes of regulation 17**, taking into account the results of each of the four stages of the clearance process, a certificate for reoccupation should be issued when the area concerned is deemed to be clean and cleared and suitable for return to the occupier. The certificate should include details of the site address, the dates and a brief description of the work, the name of the contractor, details of the clearance action done under each stage and the specific areas and items checked, the results of each stage, and the signature of the person completing each stage.

### *Clearance testing of hygiene facilities*

460 **For the purposes of regulation 17**, once the certificate for reoccupation has been issued for the work area, a clearance test should be carried out on the hygiene facility before it is removed from the site. The facility should be visually inspected and air tested. There should be a thorough visual inspection of all sections (ie clean end, showers and dirty end). The unit, including the shower, should be dry before the inspection takes place. On successful completion of the visual examination, a disturbed air test should be performed in the shower and dirty end. Clearance testing should be performed by a competent person. A separate clearance certificate should be issued for the hygiene facility. This certificate should be issued to the licensed contractor upon completion of the test and should be kept with the facility.

### *Clearance testing of hygiene facilities*

461 **For the purposes of regulation 17**, for premises permanently set aside for the testing and maintenance of plant and equipment contaminated with asbestos, the measures set out in paragraph 423 should be followed to keep the area clean. There



should be a periodic, thorough visual inspection and disturbed air test to confirm the level of cleanliness. When such an area is to be used for non-asbestos work, the area will need to be thoroughly cleaned, the clearance process carried out and a certificate of reoccupation issued beforehand.

*Duties of those issuing clearance certificates*

463 **For the purposes of regulation 17**, the person who issues the site clearance certificate for reoccupation or the clearance certificate for the hygiene facility does not have direct duties under the Regulations. However, people issuing these certificates should follow this guidance to comply with their duty under section 3 of the HSW Act to protect the health of people other than their employees. They should also consider the provision in section 36 of the HSW Act, which may apply if the work they do leads to others who do have duties under the Regulations to fail in those duties.

*Non-licensable work with enclosures*

464 **For the purposes of regulation 17**, for some large-scale non-licensable work with asbestos, a full enclosure may be required to prevent or reduce spread of asbestos, eg the removal of textured coatings.

465 **For the purposes of regulation 17**, once the work in these enclosures is complete, the area should be thoroughly cleaned before it is returned to the occupier. All visible traces of dust and debris should be removed before the enclosure is dismantled. A thorough visual inspection should be carried out.

466 **For the purposes of regulation 17**, clearance air monitoring is not required as part of the clearance procedures and an independently provided certificate for reoccupation is not needed. The occupier should be provided with a written statement stating that the area has been thoroughly cleaned and visually inspected to make sure that no visible traces of dust and debris remain and the area is suitable for reoccupation.

467 **For the purposes of regulation 17**, the statement should include:

- the site address;
- the dates of the work;
- a brief description of the work;
- the name and address of the contractor;
- details of the specific areas and items visually checked;
- the name and signature of the person completing the inspection.

469 **For the purposes of regulation 18**, all areas where there is asbestos work should be segregated and marked with suitable warning notices as asbestos areas, subject to the exemptions provided in regulation 3(2).

470 **For the purposes of regulation 18**, for licensable work, the work will, most likely, take place in an enclosure. However, where an enclosure is not used, employers should still give adequate consideration to prevent unprotected people from approaching the disturbance work in the asbestos area. It should still be designated an asbestos area and temporary barriers/roping off will be needed.

471 **For the purposes of regulation 18**, any area where an employee may be exposed to asbestos to a level which may exceed the control limit must be designated as a respirator zone. Respirator zones, whether enclosed or not, must be segregated and marked up with suitable warning notices, including notices that RPE must be worn.

472 **For the purposes of regulation 18**, all licensable work with asbestos should be carried out in an area designated as a respirator zone and an asbestos area.

473 **For the purposes of regulation 18**, where it is not necessary to segregate an asbestos area (due to the exemptions in regulation 3(2)) or to designate a respirator zone (because the control limit will not be exceeded, or is not liable to be exceeded), RPE will still be required unless it is not reasonably practicable.

476 **For the purposes of regulation 18**, as an employer, ensure the following. For work in an asbestos area or respirator zone:

- employees should only enter and remain in an asbestos area or respirator zone if they need to do so to carry out their work;
- employees must have received adequate information, instruction and training, so they are competent to enter a respirator zone and supervise any employees in their charge who enter a respirator zone;
- people undergoing training may enter a respirator zone, provided they are under the direct supervision of a competent person;
- employees entering a respirator zone must wear RPE.

478 **For the purposes of regulation 18**, employers should make sure that food and drink is never consumed in an asbestos area or respirator zone. Employers should provide an area to eat and drink (for licensable work this should be located as close as is reasonably practicable to the hygiene facilities).

479 **For the purposes of regulation 19**, personal sampling/air monitoring is required for a representative range of jobs and work methods to protect the health of employees. It should be done at regular intervals and when there is a change which may affect exposure.

480 **For the purposes of regulation 19**, where groups of employees are doing the same type of work in similar conditions, sampling can be carried out on a group basis. Individuals chosen for sampling in a group should be selected at random.

481 **For the purposes of regulation 19**, personal sampling/air monitoring involves:

- checking the concentrations of airborne asbestos employees are exposed to;
- confirming the adequacy of the controls and RPE, ie whether the RPE chosen provides the appropriate degree of protection where the level of asbestos fibres in air exceeds, or is liable to exceed, the control limit or a peak level measured over 10 minutes of 0.6 f/cm<sup>3</sup>;
- establishing employee exposure records.

### **Employee exposure records**

482 **For the purposes of regulation 19**, all records of air monitoring should state the employer's business name and address, the site address where appropriate and the date of air monitoring, and should also include:

- the type of work being done and, where relevant, its exact location;
- the type of sample, eg personal, static, clearance etc;
- the location of any static sampler;
- the date and time of sampling, the sample duration and the flow rate;
- if a personal sample, the employee's name, the task being performed and the category of RPE being worn;
- the length of time individuals are exposed;
- the measured fibre concentration;
- the fibre type, if known;
- the names and organisations of the sampler and analyst and the sampling and analysis method used.

483 **For the purposes of regulation 19**, records of air monitoring or a suitable summary must be kept for five years, except that, where employees are under medical surveillance, employers must keep the records or summary to supplement the health record for 40 years. Any summary of results should contain enough information about airborne fibre levels to allow individual average exposures for different types of work to be estimated as accurately as possible.

484 **For the purposes of regulation 19**, employers should consult employees, safety representatives or representatives of employee safety when making arrangements for monitoring.

485 **For the purposes of regulation 19**, on reasonable notice being given, the records or summary of the airborne fibre monitoring must be made available to employees.

## Sampling

487 **For the purposes of regulation 19**, analysis must be undertaken using the 1997 World Health Organisation (WHO) recommended method.

490 **For the purposes of regulation 20**, those measuring asbestos fibres in air including, for the purposes of employee exposure monitoring, must take all reasonable steps to establish that they work in conformity with specified requirements in ISO 17025 through accreditation with a recognised accreditation body. Employers engaging such people must take all reasonable steps to establish that accreditation is currently valid.

491 **For the purposes of regulation 20**, employers performing their own measurements of asbestos fibres in air or of employee exposure should make sure that the work is performed and recorded and assessed by people with suitable training, supervision and quality control systems to enable the results to be equivalent in accuracy to those achieved under ISO 17025.

492 ~~Similarly~~ **For the purposes of regulation 20**, those carrying out site clearance certification of work areas before handover for normal reoccupation must demonstrate that they conform with the specified requirements in ISO 17020 and ISO 17025 through accreditation with a recognised accreditation body.

496 ~~Employers~~ **For the purpose of regulation 21, employers** engaging people to analyse samples of materials to determine whether or not they contains asbestos must take reasonable steps to establish that they have a valid accreditation to ISO 17025 from a recognised accreditation body **or are approved by the Department.**

497 ~~Employers~~ **For the purposes of regulation 21, employers** performing their own analysis of samples should make sure that the work is performed, recorded and assessed by people equipped with suitable training, supervision and quality control systems, so the results are equivalent in accuracy to those achieved under ISO 17025.

499 **For the purposes of regulation 22**, employers must keep a health record for any employee who carries out work notifiable as either licensable or>NNLW. The information must be kept for 40 years in a safe place.

500 **For the purpose of regulation 22**, for licensable work and>NNLW, the health record should be kept in a suitable form, which will allow each employee access, on request, to their own records. For licensable work it should contain the following:

- each employee's surname and first names, sex, date of birth, permanent address, post code and National Insurance number;
- a record of the types of work carried out involving asbestos, and, where relevant, its location, with start and end dates, with the average duration of exposure in hours per week, exposure levels and details of any RPE used;
- a record of any work with asbestos before current employment, if the employer has been informed;
- dates of the medical examinations under the Regulations;
- a recording and planning system which brings forward the next required examination date for each individual.

501 **For the purposes of regulation 22**, for NNLW, the employer must:

- enter the employees carrying out the work in a register or record, indicating the nature and duration of the activity and the exposure to which they have been subjected;
- have a recording and planning system which records the date of the last examination and brings forward the next required medical examination date for each individual.

## Medical examinations for licensable work

502 Anyone For the purposes of regulation 22, anyone who carries out licensable work must have been medically examined in the past two years by a doctor individually appointed by HSE for that purpose (an 'appointed doctor').

503 **For the purposes of regulation 22**, for licensable work, employers should obtain certificates of examination for all employees, including those stating they have been examined in the past two years; appropriate authentication must be done with the earlier employer or the examining appointed doctor.

504 **For the purposes of regulation 22**, a medical examination should be repeated every two years (or within a shorter time if advised by a doctor), but only while the employee continues to do or expects to continue to do licensable work. The examination must be carried out by an HSE appointed doctor.

## Medical examinations for NNLW

505 ~~Employers~~ **For the purposes of regulation 22**, employers who carry out any NNLW must have a medical examination on or before ~~30 April 2015~~ **31 October 2023**. From ~~1 May 2015~~ **1 November 2023**, anyone carrying out NNLW should have been medically examined under the Regulations in the past three years.

506 **For the purposes of regulation 22**, after the first medical, an examination should be repeated every three years (or a shorter time if advised by a doctor), but only while the employee continues to do or expects to continue to do NNLW. For NNLW, the examination does not have to be carried out by an HSE-appointed doctor, it may be carried out by a non-HSE-appointed doctor, such as a local general practitioner.

### **Further information on medical examinations**

507 **For the purposes of regulation 22**, medical examinations for licensable work and NNLW should:

- take place in the employee's normal working time. Employees should co-operate if they are sent for such an examination;
- be at the employer's expense, including travel, lost working time and the doctor's fee;
- trigger a review of all methods of work, risk assessments, and co-worker health if an employee is diagnosed with an asbestos-related condition. The affected worker may need further medical and managerial redeployment assessment if continuing in current tasks might endanger themselves or others.

519 **For the purposes of regulation 23**, the type and extent of washing and changing facilities provided should be determined by the type and amount of exposure indicated by the risk assessment.

520 **For the purposes of regulation 23**, suitable facilities should be provided, including:

- toilet facilities;
- facilities for washing and changing for non-licensable work;
- full hygiene facilities for licensable work;
- an area to eat and drink (for licensable work these should be located as close as is reasonably practicable to the hygiene facilities).

### **Hygiene facilities for licensable work**

521 **For the purposes of regulation 23**, for licensable work, suitable and sufficient hygiene facilities must be provided to enable employees working with asbestos to be able to clean and decontaminate themselves. This is to prevent the spread of asbestos and reduce the risk of exposure of others. Suitable hygiene facilities, whether purpose built on site or a transportable dedicated decontamination unit (DCU), must be provided on the site and be fully operational before any work (including ancillary work) starts.

522 **For the purposes of regulation 23**, the hygiene facilities will need to have separate changing rooms for dirty, contaminated work clothing and for clean or personal clothing – known as ‘dirty’ and ‘clean’ areas respectively. The showers should be located between the two changing rooms, so that it is necessary to pass through them when going from one changing area to the other. All doors between each room and those leading to the outside from the ‘dirty end’ should be self-closing and provide an airtight seal. The ‘clean’ and ‘dirty’ ends should be fitted with adequate seating and be large enough to change in.

523 **For the purposes of regulation 23**, hygiene facilities also need to be designed so they can be cleaned easily and:

- be fitted with effective air extraction equipment which maintains a flow of air from the clean to the dirty areas. The extracted air must be discharged through a high efficiency particulate arrest (HEPA) filter;
- be adequately heated – any gas heater mounted inside the unit must be a room-sealed type; open-flue types must not be used. All gas appliances and fittings should be maintained in a safe condition by a competent person;
- be adequately lit (with suitable light switches at both the ‘clean’ and ‘dirty’ ends);
- have suitable internal vents so that air can pass through the unit;
- be big enough, including allowance for enough separate storage for personal clothing and protective clothing and equipment in the ‘clean’ end and enough suitable containers for contaminated clothing, towels, filters etc in the ‘dirty’ end and shower area;
- have showers with an adequate supply of clean running hot and cold or warm water, at a suitable pressure. Sufficient soap or gel, shampoo, nail brushes and individual dry towels must be provided for asbestos workers and for any other person who may need to use the facilities for decontamination;
- have shower areas big enough to allow thorough decontamination and have means to support the power pack of a full-face respirator while it is still required to be worn (the power pack support should be out of the direct line of the shower to avoid contact with water and prevent damage to the batteries);
- have all waste water filtered before it is discharged to the drains. All filters should be treated as asbestos waste;
- have a wall-mounted mirror in the clean end of the unit;

- have the electricity supply routed via a 30 mA residual current circuit-breaker fitted at the point of entry into the unit, and the unit must be effectively earthed when in use. The electrical fittings and installation must be suitable for use in the facility and maintained in a safe condition by a competent person;
- be sufficient for the number of people likely to need them;
- be maintained in a safe condition and kept clean as far as is reasonably practicable.

524 **For the purposes of regulation 23**, maintenance records for DCUs (or copies of them) should be kept on site. The hygiene facility should remain operational and not leave the site until the job is complete and the certificate of reoccupation has been issued.

526 **For the purposes of regulation 24**, when packing asbestos waste:

- it should be securely sealed in suitable, labelled bags, wrapping or packaging as it is produced;
- any bags, wrapping or packaging used must be designed, constructed and maintained to make sure that no asbestos fibres can be released during handling or transport;
- for most waste, double plastic sacks are suitable, provided they will not split during normal use;
- stronger packages must be used if the waste contains sharp metal fragments or other materials that could puncture plastic sacks;
- any waste where the escape of hazardous quantities of respirable asbestos fibres can occur during carriage should be placed in UN-approved packaging. This is available in up to 2 tonnes capacity. (This does not apply to asbestos cement or textured decorative coatings.)

527 **For the purposes of regulation 24**, when filling bags:

- make sure that the inner bag is not overfilled, especially when the debris is wet, and each bag can be securely tied or sealed;
- exclude air from the bag as far as possible before sealing. Precautions will need to be taken as the exhaust air may be contaminated;
- where practicable, the sealed packaging should be cleaned before it is removed from the work area or enclosure.



528 **For the purposes of regulation 24**, if the asbestos waste is not to be disposed of immediately, the sealed bags and packages should be locked in a suitable and clearly marked storage area, ie a lockable skip.

#### *Large asbestos waste items*

529 **For the purposes of regulation 24**, wherever practicable, large items of rigid ACM such as sheets of asbestos cement and textured coatings attached to a board should not be broken up or cut down for disposal in plastic sacks.

530 **For the purposes of regulation 24**, the intact rigid waste should be double wrapped in suitable polythene sheeting (1000 gauge or equivalent) or other suitable material and labelled accordingly.

531 **For the purposes of regulation 24**, if the asbestos waste is not to be disposed of immediately, the wrapped package should be placed in a suitable and clearly labelled sealed receptacle, such as a lockable skip or freight container.

### **Transporting asbestos waste**

532 **For the purposes of regulation 24**, bags, wrapping or packaging containing asbestos waste should be appropriately labelled and transported to a licensed disposal site. A list of disposal sites is available from local authorities.

533 **For the purposes of regulation 24**, asbestos waste should be transported in an enclosed vehicle, skip or freight container.

534 **For the purposes of regulation 24**, a suitable receptacle should be used to transport the asbestos waste to make sure that the bags, wrapping and packaging cannot become damaged or open up and release asbestos material or asbestos fibres during transit.

~~535 Asbestos waste must be transported in accordance with the specific requirements of the Hazardous Waste Regulations in England and Wales and the Special Waste Regulations in Scotland.~~

### **Labelling asbestos waste**

536 **For the purposes of regulation 24**, asbestos waste must be labelled in accordance with Schedule 2 to the Control of Asbestos Regulations 2012.