MANAGING ASBESTOS

Asbestos is known to exist in a large number of buildings used by Scouting and can cause unnecessary worry or expense by its presence. This guidance aims to clarify and standardise the approach in the way Scouting manages asbestos and Asbestos Containing Materials (ACMs). In Scouting we have a moral and legal duty to manage the ACMs in our buildings and to protect all our Members, visitors and users from exposure.

Background

Asbestos is a natural mineral that has been used since Roman times. Between 1940 to1970 it was considered as the magic mineral and used in approximately 4,000 building products. Up to 4,500 individuals per year die from Asbestos related diseases.

Asbestos is only a risk to health if asbestos fibres are released into the air and then inhaled. This only needs to be a very small amount and can lead to asbestos-related diseases, mainly cancer of the lungs, chest and lining. At present there is no known cure for asbestos related diseases.

The asbestos fibres are so small that they cannot be seen by the naked eye, so just visual inspection of the atmosphere around potentially ACM is not an adequate check to ensure safety.

The Law

Legislation made under the Health & Safety At Work Act 1974 (or equivalent outside England and Wales), namely, The Control of Asbestos Regulations (CAR) sets out strict requirements for the management of asbestos in non-domestic premises. This places a ***duty to manage asbestos risk in non-domestic premises*** on:

- Every person who has, by virtue of any contract or tenancy, an obligation in relation to the maintenance or repair of non-domestic premises or means of access to or from the premises;

- Or where there is no such contract or tenancy in relation to any part of non-domestic premises, every person who has, to any extent, control of that part or means of access to or from it.

This means that liability may be an issue for Scout Groups (the Trustees) that own their own property or hold property by virtue of a lease or licence.

The requirement to manage the risk in non-domestic premises involves identifying whether the premises contain asbestos and managing the risk from this material.

Even if premises do not come under the scope of the Health and Safety at Work Act, then all members of the Scout Association have a Common Law duty to ensure that people are not put at risk. Therefore all those involved in the management, maintenance or operation of premises used by the Scout Movement *must* take all reasonably practicable measures to ensure that no one is exposed to asbestos

fibres. This means the Trustees of the Group, District or County/Area/Region respectively.

Types of Asbestos

The three main types of asbestos which have been commercially used are:-

Crocidolite (often referred to as 'blue asbestos')
Amosite (often referred to as 'brown asbestos')
Chrysotile (often referred to as 'white asbestos')

The law has banned the use of brown and blue asbestos since 1985 and white asbestos from the end of 1999. It was a particularly prevalent building material up until the 1970s but it could be that buildings built in the 1990s may still have asbestos in their construction. Asbestos was a commonly used building material up until its prohibition at the end of 1999. Due to its versatility and properties many buildings will contain asbestos containing materials (ACM's).

In general terms the more solid the material, the less exposure to asbestos fibres, e.g. fibres trapped in asbestos cement create less airborne fibres than loose fibrous lagging around pipework.

Do *you* have a problem?

If you own or use a building built before the year 2000 there is a chance of the building containing ACM's and the law requires the material to be managed so as to control the risk.

Actions

1) If the building was built after the beginning of the year 2000, then you need to record this fact and take no further action.

2) If you are not responsible for repair or maintenance in the building, such as a school or church hall, you need to ask for a copy of the asbestos management plan and any revisions, this will ensure Executive Committees and Leaders are aware of the materials present and the emergency procedures should accidental damage occur.

3) If you own or have a *fully maintain and repair* lease on a building, you will need to appoint a 'competent person' as a "duty holder", who will have legal responsibilities for asbestos management.

Surveying

Firstly we need to find the asbestos. This needs to be undertaken by a "competent person", such as somebody who holds a P402 certificate or equivalent. There are two types of asbestos surveys:

Management and Maintenance Survey

This is the normal survey and is needed on all buildings built before the year 2000. The survey allows the identified ACMs to be managed and normal maintenance to be undertaken on the building, such as painting, boiler servicing, light fitting replacement.

Demolition and Refurbishment Survey
This type survey is required if you are planning any works in the building that will damage the fabric of the building, for example, the removal or penetration of any walls or ceilings. Due to the very nature of this survey it does tend to damage the building and sometimes cannot be undertaken until the building is dead, ready for the construction works.

Competent surveying companies
There are a number of local and national companies offering surveys, and Groups, Districts even Counties/Areas/Regions may consider coordinating an approach to such companies to try to get a deal on a larger number of surveys.

Before engaging the services of a surveying organisation, the Executive should be satisfied they are competent to undertake the survey. They should check they also have a quality management system suitable for asbestos surveying work. If the company holds UKAS accreditation to ISO/EN 17020 this may count towards your due diligence (defence) if problems were identified later.

Where might asbestos be present in Scout premises?
In buildings used by Scouts, its most common use could be:

- Asbestos Insulating Board (AIB) partition walls, ceiling tiles, heater cupboards, door panels, fire surrounds;
- asbestos cement products such as roof and wall cladding, boiler and insulator flues, fire surrounds, gutters, rain water pipes, water tanks;
- Loose asbestos packing between floors and partition walls;
- Possible sprayed asbestos on structural beams and girders;
- Lagging on pipework and boilers;
- Other products such as floor tiles, toilet cisterns, seats, rope seals, gaskets on boilers, sink pad and roofing felts.

There are approximately 4,000 products that are known to contain asbestos.
If there is any doubt whether material contains asbestos, you should always presume that it does, unless there is ‘strong evidence’ to suggest it does not, such as a sample being analysed.

Some materials obviously do not contain asbestos, such as floorboards, glass, brick and stone. Do not be tempted to take samples yourself or to disturb any suspicious material, as you may inadvertently release fibres yourself. Do not break or damage any material, which may contain asbestos in order to try to identify it.

Managing Asbestos in your Building
Once a survey has been undertaken the information from it must be included within the Asbestos Management Plan. An example of one can been seen at ***(add link)***

The Asbestos Management Plan will address issues such as:

- How people using or working in the building will be informed of the locations of ACMs.

- How ACM’s will be monitored and frequency of the inspection to ensure ACMs remain in good condition.
- Who within the group will oversee the management of the ACMs and is responsible for keeping the plan up to date.
- What are the emergency procedures if ACMs or suspected ACMs are disturbed?

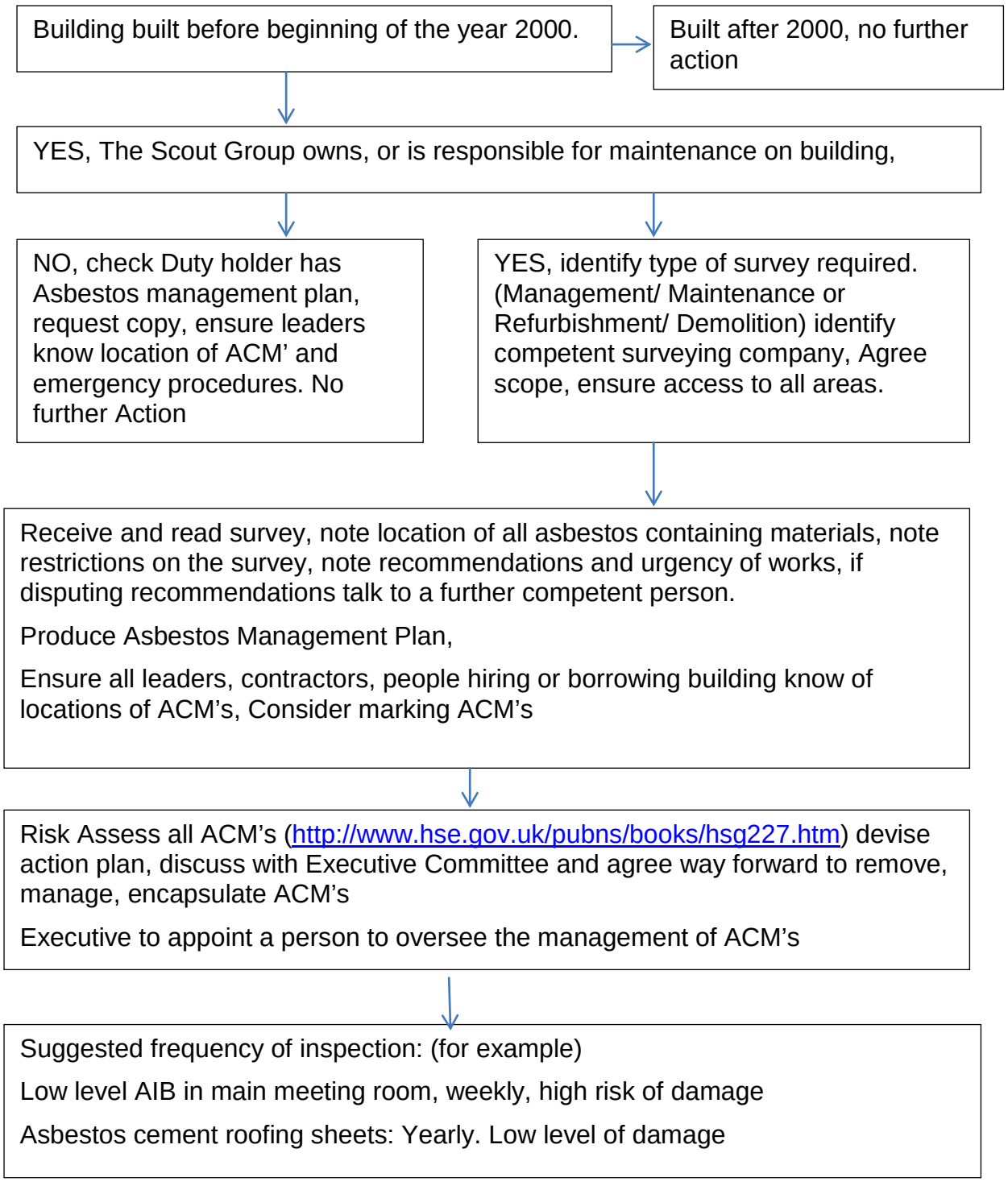
As a result of the asbestos survey and Asbestos Management Plan there are a number of actions you may take. Remember just because a building contains asbestos, this doesn’t mean it has to be removed. In fact in some instances the removal process is a greater risk than leaving in situ and managing it.

If the material is in good condition and is not likely to become damaged, the material can remain in place and be managed.

If the material is in good condition but could be damaged, can you protect it, eg, covering with plywood or stopping certain activities, (e.g. if a ceiling is asbestos boards, you could either cover with plywood or stop games where the ceiling is likely to be impacted).

If the material is in a damaged condition, can it be repaired or does it need removal?

If the material is considered to be too high a risk it may need to be removed. Some material needs a licensed contractor who will have to give the HSE notification of the intended work. Some notifications have to be 14 days ahead of the works.
Most works with asbestos are expensive.


Building built before beginning of the year 2000.
Built after 2000, no further action
YES, The Scout Group owns, or is responsible for maintenance on building,
NO, check Duty holder has Asbestos management plan, request copy, ensure leaders know location of ACM' and emergency procedures. No further Action
YES, identify type of survey required. (Management/ Maintenance or Refurbishment/ Demolition) identify competent surveying company, Agree scope, ensure access to all areas.
Receive and read survey, note location of all asbestos containing materials, note restrictions on the survey, note recommendations and urgency of works, if disputing recommendations talk to a further competent person.
Produce Asbestos Management Plan,
Ensure all leaders, contractors, people hiring or borrowing building know of locations of ACM's, Consider marking ACM's
Risk Assess all ACM's (http://www.hse.gov.uk/pubns/books/hsg227.htm) devise action plan, discuss with Executive Committee and agree way forward to remove, manage, encapsulate ACM's
Executive to appoint a person to oversee the management of ACM's
Suggested frequency of inspection: (for example)
Low level AIB in main meeting room, weekly, high risk of damage
Asbestos cement roofing sheets: Yearly. Low level of damage

Important Records
Record written conclusions and keep an *Asbestos Risk Assessment File*. The assessment must be reviewed immediately if there is reason to suspect that it is no longer valid or if there has been a significant change in the premises.

Prepare and implement a system to manage any risks. The premises should be monitored on a regular basis and all findings recorded. Any ACM's left in situ should be labelled and monitored to ensure that their condition has not worsened.

If a decision is made to leave the ACM or presumed ACM that is in good condition in place, then it is particularly important that regular checks are made on its condition. Also record all locations that you have been unable to check, so that any contractors or anyone likely to disturb the material is reminded that they must check if they work in that area.

It is essential that you make the location of ACM known to everyone who needs to know, so that they do not inadvertently disturb or damage it. One way of doing this is by the use of asbestos warning labels, or some other means of warning, e.g. a colour coded symbol.

Prepare and keep an 'up to date' plan identifying the location and condition of the ACM's. The plans should be clear and available at the premises.
It is vital that you provide anyone who is likely to work on the premises with information on the location and condition of the asbestos. This includes Contractors and the Emergency Services.

If the asbestos is in good condition, that is, not damaged, or likely to be damaged so that fibres can be released, and is not likely to be worked on or disturbed, it is usually safer to leave it in place and check its condition on a regular basis. Good condition means that the surface is not damaged in any way. The use of drawing pins, nails, screws or similar items on ACM must not be permitted.

If the asbestos is in poor condition or is likely to be damaged or disturbed, a decision should be taken as to whether it should be repaired, sealed, enclosed or removed.

The removal of ACM, in most cases, must be done by a Licensed Contractor and the disposal of any ACM is strictly controlled by environmental legislation. It must not just be fly tipped or taken to a municipal tip. When arranging for the disposal of the asbestos waste, the ownership of the waste remains with the Executive until the contractor demonstrates they have disposed of correctly such as duty of care notes.

Repairing Obligations
Where a lease places fully maintain and repair obligations on a Tenant, the Landlord should ensure that the Tenant is aware of his obligations under Regulation 4 and satisfy himself that the Tenant complies with those obligations.

Where the Landlord himself owes the repairing obligation he will need access to premises in order to carry out the Survey and Risk Assessment. The Lease will dictate the terms of entry and whether survey costs are recoverable under any service charge.

Premises hired by Groups such as Village or Church Halls, Schools, Cricket pavilions or similar.
Groups hiring such venues to meet in must make reasonable enquiries to the person in charge and satisfy themselves that a suitable assessment has been made of the asbestos risk in the premises by a competent person in line with the advice above.

If it has and the results and controls are suitable and sufficient, then that's fine. If not, then the Executive should strongly encourage the persons in charge, of this duty.

Give them a copy of this guidance and persuade them of the need to act appropriately. If they fail to comply with their statutory duty, the Executive may find themselfs in a situation of difficulty in so much as there may be an asbestos risk. One solution could be to ask the persons in charge to share the cost of such a survey with all the regular partners. The worst case scenario may be to have to find alternative compliant premises.

Funding
If you are finding it difficult to find the funds to pay for the initial survey or subsequent removal of asbestos, please contact the Fundraising team at Gilwell Park for advice. Additional advice can be sought from your Local Authority and from your County / Area Safety in Scouting Co-ordinator.

Useful contacts
Asbestos Removal Contractors Association [ARCA]
www.arca.org.uk

Thermal Insulation Contractors Association [TICA] / Asbestos Control & Abatement Division [ACAD]
www.tica-acad.co.uk

United Kingdom Accreditation Service [UKAS]
www.ukas.com

Acknowledgements are made for the use of material from the HSE's publication *Managing Asbestos in Premises*, reference INDG223 (ISBN 0 716 2092 1). Single copies are available free of charge from HSE Books, PO Box 1999, Sudbury, Suffolk, CO10 2WA, telephone 01787 881165, or download from their web site, www.hse.gov.uk .

Photos of asbestos containing materials,

Photos taken from the HSE website.

AIB Debris

AIB perforated ceiling boards

AIB external wall panels

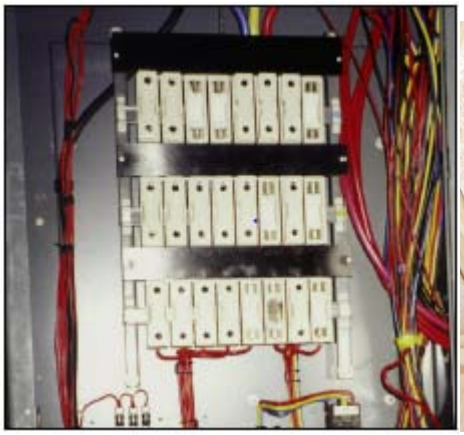
AIB Suspended Ceiling

Asbestos Rope and Asbestos Insulation

AIB External Soffit

Asbestos Textured Coating (Artex) Ceiling

Asbestos Vinyl Floor Tiles



Asbestos Textile within Fuses

AsbesotsBitumastic Dampening Pad on Steel Sink

Asbestos Cement behind metal profile

Asbestos Resin Reinforced Toilet Cistern

Asbestos Window Cill

Asbestos Gasket Material