

Asbestos at Work workshop Hazards Conference 2021

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NASUWT
The Teachers' Union

Asbestos at Work

1. What is asbestos?
2. Asbestos Law and the concerns about the law.
3. Practical advice on what asbestos looks like in the workplace and where it can be commonly found.
4. What should Health and Safety Representatives do?
5. The enforcement of the regulations.
6. The campaign for a global ban on asbestos.
7. General discussion and drawing together of a plan of action that reps can use in their own workplace.

What is Asbestos?

Basic facts about asbestos

- Asbestos is the name given to a group of fibrous minerals known for their strength, durability and resistance to fire. Because of these properties and its low cost, asbestos has been widely used in manufacturing, shipbuilding and the construction of buildings, including schools and colleges.
- There are three main kinds of asbestos: crocidolite (blue asbestos), amosite (brown asbestos) and chrysotile (white asbestos).
- There are no safe levels of exposure to asbestos.
- Asbestos is the biggest workplace killer in the UK and is present in many buildings built or refurbished between 1945 and 2000.
- The Health and Safety Executive (HSE) have estimated that there will be 7,000 mesothelioma deaths in the UK over the next 50 years from current, not past, exposure to asbestos in buildings.
- Mesothelioma is a type of cancer that can develop in the tissues covering the lungs or the abdomen. Many cases have been caused by exposure to asbestos at work. The latest HSE statistics show there were 2,369 mesothelioma deaths in Great Britain in 2019.

Asbestos Law and the concerns about the law

Dominic Riley – Irwin Mitchell Solicitors

Practical advice on what asbestos looks like in the workplace, where it can be commonly found

- There are three main kinds of asbestos:
 - crocidolite (blue asbestos);
 - amosite (brown asbestos); and
 - chrysotile (white asbestos).
- The import of blue and brown asbestos into Britain was banned in 1985. White asbestos was banned in 1999. However, buildings constructed before 2000 can contain substantial quantities of these products.
- It can be difficult to recognise because asbestos was frequently mixed with other materials during manufacture and it is often painted.

Practical advice on what asbestos looks like in the workplace, where it can be commonly found

Where do you think asbestos may be found in your workplace?

Practical advice on what asbestos looks like in the workplace, where it can be commonly found

Many buildings contain substantial amounts of asbestos products.

They are most commonly found in:

- vinyl floors;
- lining materials to improve fire resistance;
- doors and soffits (the underside of a structural component, such as a beam, arch, staircase, or cornice);
- insulation boards for internal partitions;
- lagging;
- fire blankets;
- asbestos cement sheeting;
- roof tiles;
- gutters;
- electrical goods;
- asphalts;
- certain textured paints;
- oven gloves;
- ironing board panels and heaters;
- ceiling panels in kitchens;
- underfloor ducting;
- a variety of tiles; and
- ceiling voids.

Practical advice on what asbestos looks like in the workplace, where it can be commonly found

Asbestos containing vinyl floor tiles were a popular choice for flooring, and can often be found hidden under carpets.



Practical advice on what asbestos looks like in the workplace, where it can be commonly found

Doors and soffits (the underside of a structural component, such as a beam, arch, staircase, or cornice) may contain asbestos, that will deteriorate with water and weather damage.



Practical advice on what asbestos looks like in the workplace, where it can be commonly found

Insulation boards for internal partitions may contain asbestos, including ceiling tiles, and under roof soffits.



Practical advice on what asbestos looks like in the workplace, where it can be commonly found

Lagging materials may contain asbestos, usually around old pipework.



Practical advice on what asbestos looks like in the workplace, where it can be commonly found

Asbestos cement sheeting was often used as corrugated roof panelling and wall cladding on industrial units and farm buildings.



Practical advice on what asbestos looks like in the workplace, where it can be commonly found

Textured paints and coatings such as Artex may contain asbestos.



Practical advice on what asbestos looks like in the workplace, where it can be commonly found

Heating units such as warm air cabinet heaters first developed in the 1950s . The cabinets were commonly constructed on site, usually of a timber frame, and were typically lined with unsealed AIB.



Practical advice on what asbestos looks like in the workplace, where it can be commonly found

Underfloor ducting

Most, but not all insulation is in boiler houses or basements, or concealed in floor ducts, service risers and ceiling voids and are therefore not readily accessible.



Practical advice on what asbestos looks like in the workplace, where it can be commonly found

Ceiling voids may contain loose asbestos fibres, AIB fire breaks, or sprayed on asbestos coatings that have become friable and leak asbestos fibres into buildings if ceilings are not properly sealed.



Practical advice on what asbestos looks like in the workplace, where it can be commonly found



Asbestos insulation on pipes



Asbestos insulating board ceiling tiles



Asbestos cement panels



Sprayed coatings on wall



Asbestos insulating board panels



Textured coating with asbestos

The Health and Safety Executive use the pictures to the left as examples of where asbestos containing materials (ACMs) can be found.

Further examples can be found on the HSE website at www.hse.gov.uk/asbestos/building.htm

Campaigning for the removal of asbestos

The Employer's duties

Employers have duties under health and safety legislation including to ensure that any asbestos in the workplace is safe. The following legislation is relevant:

- The Control of Asbestos Regulations 2012 (CAR 2012)
- The Health and Safety at Work act 1974 (HSWA)
- Hazardous Waste Regulations 2005
- Safety Representatives and Safety Committees Regulations 1977
- Health and Safety (Consultation with Employees) Regulations 1996
- Construction (Design and Management) Regulations 2015
- The Management of Health and Safety at Work Regulations 1992

Campaigning for the removal of asbestos

The Control of Asbestos Regulations 2012

- Failure to comply with the Control of Asbestos Regulations 2012 (CAR 2012) is a criminal offence.
- The Health and Safety Executive (HSE) is responsible for investigating incidents where dutyholders fail to manage the risks, and taking enforcement action where appropriate.

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The Control of Asbestos Regulations 2012

- The Control of Asbestos Regulations 2012 state that whoever has control of a building has a duty to manage the asbestos in it. <https://www.hse.gov.uk/asbestos/duty.htm>
- Employers should identify who this is. The duty holder must take reasonable steps to find out if there are materials containing asbestos on the premises and, if so, how much, where it is and what condition it is in. Employers are required to complete five stages to comply with the law.
 1. Check for asbestos on the premises or appoint someone else competent to do so;
 2. Inspect the workplace to determine whether asbestos is present – employers must presume materials contain asbestos unless there is strong evidence that they do not;
 3. Assess the risks from any asbestos;
 4. Manage the risk and prepare and plan; and
 5. Monitor arrangements.

A survey should be carried out as detailed on the Health and Safety Executive (HSE) website at <https://www.hse.gov.uk/asbestos/surveys.htm>

Campaigning for the removal of asbestos

The Control of Asbestos Regulations 2012

1. Check for asbestos on the premises or appoint someone else competent to do so
 1. The person responsible for maintenance and repair activities for non-domestic buildings, either through a contract or tenancy agreement, or because they own the building – is the ‘dutyholder’ – see <https://www.hse.gov.uk/asbestos/duty.htm>
 2. The dutyholder has a responsibility to manage asbestos and should know where asbestos is present on the work premises.
 3. The location of asbestos should be recorded in an asbestos register or record.
 4. If any building was built before 2000, it should be presumed that asbestos is present.
 5. Locate previous asbestos surveys, building or insurance reports that may identify where asbestos is known to be located on the premises and refer to them as a starting point when undertaking the survey.
 6. Confirm what is already known about the ACMs on the premises, and review how they are currently managed.

Campaigning for the removal of asbestos

The Control of Asbestos Regulations 2012

2. Inspect the workplace to determine whether asbestos is present
 1. The duty holder should walk around the building(s) to identify all materials that may contain asbestos (eg. insulating board, ceiling tiles and insulation on pipe work), including areas normally not visited, eg. roof voids, store rooms etc. This is commonly known as a Type 1 visual survey to locate areas in which there may be asbestos and noting what condition it is in. **The HSE advises that in this type of survey it should be presumed that material that can reasonably be expected to contain asbestos does so.** It is only reasonable to exclude materials where it is possible to be completely confident that they do not contain asbestos, i.e. glass, metal or wood (although asbestos may be hidden by them).
 2. The duty holder can either presume that asbestos is present or confirm its presence/absence through use of a more detailed survey and sampling (a Type 2 survey).
 3. If they opt to presume that asbestos is present, any subsequent work should be carried out with full asbestos safety precautions.
 4. If a dutyholder is not confident or competent in law to undertake this themselves, they should seek specialist advice from a United Kingdom Accreditation Service (UKAS) – accredited expert.
 5. Trade Union Health and Safety Representatives can request to accompany the dutyholder when undertaking the survey as a joint TU H&S inspection – request TU facilities!

Campaigning for the removal of asbestos

The Control of Asbestos Regulations 2012

2. Inspect the workplace to determine whether asbestos is present
 6. The location and condition of asbestos should be recorded in an asbestos register or record.
 7. This needs to be easy to read. It could be a plan or diagram of the building, a written list or a computer based record that:
 - records where the asbestos-containing material is, and its condition;
 - records roles and responsibilities with regard to managing asbestos.
 8. It is important that the record or register is easily accessible – particularly if it is being used to tell workers about the location of asbestos.
 9. It is good practice for photos or video recordings of asbestos, or presumed ACMs to be taken on each survey to assist in determining deterioration of ACMs, sealings and encasing.
 10. It is good practice for confirmed asbestos, ACMs and presumed asbestos/ACMs to be clearly marked with an identifying sticker.
 11. The asbestos register should be made available to anyone undertaking maintenance work (including external contractors) and to emergency services, particularly in the case of any fire, so that fire services are aware of the location of any asbestos before they enter the building in an emergency situation.
 12. The survey should be carried out as detailed on the Health and Safety Executive (HSE) website at <https://www.hse.gov.uk/asbestos/surveys.htm>

Campaigning for the removal of asbestos

The Control of Asbestos Regulations 2012

3. Assess the risks from any asbestos;
 1. Undertake a risk assessment!
 1. Whoever carries out the risk assessment must:
 - be competent to do the risk assessment - must have a sufficient level of knowledge, training and expertise.
 - carry it out before any work begins and allow enough time to put appropriate precautions in place
 - make ensure the assessment is job specific and considers all aspects of the work
 2. Risk assessments are about identifying and controlling the risks:
 - establish the potential risk (including general risk such as falls from height) and identify who may be affected
 - identify the action to be taken to remove the risk, or if that is not possible, to reduce the risk to as low as possible
 - record the findings of the risk assessment, and the action to be taken, and inform employees
 - implement the actions to be taken
 - review and update the risk assessment as required
 2. Draw up a priority action list:
 1. give high priority to damaged material and materials likely to be disturbed. These will need to be repaired, enclosed or removed using trained personnel – a licensed contractor may be required;
 2. if materials are in good condition and are unlikely to be disturbed – leave in place but regularly review their condition;
 3. record the findings and the action taken.
 3. See <https://www.hse.gov.uk/asbestos/risk-assessments.htm>

Campaigning for the removal of asbestos

The Control of Asbestos Regulations 2012

4. Manage the risk and prepare and plan;
 1. Tell people where the asbestos is
 1. Consider labelling potential ACMs.
 2. Consider who works on or near asbestos (maintenance workers/contractors).
 3. Tell them where the asbestos is before they start work (e.g. When a quote for a job is requested) and agree the precautions that need to be taken to prevent exposure.
 4. Anyone who may work on asbestos must be trained and use safe working methods.
 5. Remember, some work requires a licence. If you are unsure what to do, seek professional advice.
 2. **Prevent work on the premises that may disturb the fabric of the building until measures to control the risk have been implemented**
 3. **Following the initial inspection for damage and disturbance of materials - take immediate action to control these and develop a strategy for compliance**
 4. Develop a long-term asbestos management plan
 5. See 'Managing and working with asbestos - Control of Asbestos Regulations 2012. Approved Code of Practice and guidance' <https://www.hse.gov.uk/pubns/books/l143.htm>

Campaigning for the removal of asbestos

The Control of Asbestos Regulations 2012

5. Monitor arrangements;
 1. Keep records up to date:
 1. Even after the action list is completed the dutyholder needs to continue to manage risks:
 1. walk around the building at least once a year and update the asbestos management plan as necessary;
 2. check materials regularly to see if they have deteriorated, been damaged or disturbed in any way (taking photos or video recordings on each inspection and comparing them to those taken at the previous inspection will assist in this process);
 3. if any deterioration is found.
 2. Check that remedial actions recorded on the previous inspection have been completed and record what actions have been taken and when they were undertaken.
 3. Review the asbestos management plan periodically to ensure it is preventing uncontrolled work on ACMs.

Further detailed guidance on the responsibility of the dutyholder under the CAR 2012 Regs is available on the HSE website at <https://www.hse.gov.uk/asbestos/detail.htm>

Campaigning for the removal of asbestos

What should Health and Safety Representatives do?

TUC Checklist

Has your employer done an asbestos survey and shared it with the union?

Are the records up to date and accessible?

Is there an effective plan for the management of asbestos that will ensure that no person is exposed in the interim?

Have all areas that may contain asbestos been labelled?

Are asbestos- containing materials regularly inspected for damage/deterioration?

Have all staff been trained on asbestos risks, given information on its location and instructed on precautions?

Are contractors always notified of any materials or suspected materials before commencing work?

If your members regularly work in other locations, are there procedures to ensure that these other places do not pose a risk of asbestos exposure?

Are there procedures to record any exposure and inform any employees who may have been exposed?

Is there an agreed plan for removing the asbestos safely, including a practical timetable?

Are safety representatives fully consulted on all aspects of the asbestos policy?

If the answer to any of these questions is no, you need to take action.

The enforcement of the regulations

Dominic Riley – Irwin Mitchell Solicitors

The campaign for a global ban on asbestos, the lobbying by asbestos profiteers

- The International Ban Asbestos Secretariat (IBAS), established in 2000, provides a conduit for the exchange of information between groups and individuals working to achieve a global asbestos ban and seeking to alleviate the damage caused by widespread asbestos use. Such use may be largely historical in the established economies of the West but is continuing in developing nations.
- Since its inception, IBAS has been involved in co-sponsoring and supporting national and international conferences furthering the above aims. In so doing, IBAS have sought to counter the asbestos industry's control of the information stream and to provide a platform for victims to speak out against the injustices they have suffered.
- Through its coordinator, Laurie Kazan-Allen, IBAS channels the views of a network of victims' groups, medical and legal professionals and concerned individuals. IBAS has a continuing role in raising public awareness of asbestos hazards and providing informed comment on current developments.

The campaign for a global ban on asbestos, the lobbying by asbestos profiteers

- Why do we need an international asbestos ban?
- Despite asbestos being illegal in the UK and most nations world-wide, asbestos is still used in some nations and products containing asbestos continue to make their way into the UK.
 - Cancer-causing asbestos found in children's crayons (October 2015) <https://www.ukata.org.uk/news/cancer-causing-asbestos-found-in-childrens-crayons/>
 - Asbestos discovery triggers Johnson & Johnson baby powder recall in US (October 2019) <https://www.bbc.co.uk/news/business-50101758>
 - Traces of asbestos have been found in an eyeshadow palette by cosmetics brand MUA. (February 2020) <https://www.independent.co.uk/life-style/makeup-mua-asbestos-carcinogen-bbc-three-beauty-laid-bare-a9312611.html>

The campaign for a global ban on asbestos, the lobbying by asbestos profiteers

- “On July 2, 2021, UK asbestos victim support groups, mesothelioma charities and campaigning groups will be marking the 16th national **Action Mesothelioma Day** (AMD).
- Over the years, AMD has grown to become a national day of activity and remembrance in asbestos hotspots all over the country. It was a day when the injured, their relatives, and those who had lost someone to mesothelioma – the signature asbestos cancer – gathered together to raise awareness of Britain’s tragic asbestos legacy.
- They met in church halls, on village greens, in civic centers, conference rooms and elsewhere to learn, commune and provide support. At some meetings, the emphasis was on the spiritual at others it was on raising money for research. Although each meeting was different, they all shared the same motivation and objective: **remember the dead and fight for the living.**” Laurie Kazan-Allen
- International Ban Asbestos Secretariat (IBAS) <http://ibasecretariat.org/>

General discussion and drawing together of a plan of action that reps can use in their own workplace

Using the TUC checklist below, identify what actions you need to take to when you return to your workplace

Has your employer done an asbestos survey and shared it with the union?

Are the records up to date and accessible?

Is there an effective plan for the management of asbestos that will ensure that no person is exposed in the interim?

Have all areas that may contain asbestos been labelled?

Are asbestos- containing materials regularly inspected for damage/deterioration?

Have all staff been trained on asbestos risks, given information on its location and instructed on precautions?

Are contractors always notified of any materials or suspected materials before commencing work?

If your members regularly work in other locations, are there procedures to ensure that these other places do not pose a risk of asbestos exposure?

Are there procedures to record any exposure and inform any employees who may have been exposed?

Is there an agreed plan for removing the asbestos safely, including a practical timetable?

Are safety representatives fully consulted on all aspects of the asbestos policy?

If the answer to any of these questions is no, you need to take action.

Joint Unions Asbestos Committee (JUAC)



Conference

Invisible Killers: What can and must be done?

Conference covers coronavirus, asbestos, global warming, traffic pollution emissions, particulate matter etc.

Please put the date in your diary



**Bobby Moore Room
Wembley Stadium
postponed until
Wednesday 16 March 2022**

> Chair, morning session: John McClean, JUAC

Remember the dead. Fight for the living

Speakers include: Rosamund Kissi-Debrah, campaigner against air pollution and asthma deaths; Dr Gary Fuller, air pollution scientist, author of *The Invisible Killer* - the rising global threat of air pollution and how we can fight back.

The Trade Unions – Time to end the suffering

Patrick Roach, GS NASUWT; **Kevin Courtney**, GS NEU; **Paul Whiteman**, GS NAHT.

> Chair, afternoon session: Janet Newsham, TUCAN

The Crisis: The evidence and how we must act

Speakers include: Hilda Palmer, Families Against Corporate Killers, Officer of National Hazards Campaign; Prof Andrew Watterson, lecturer & researcher in Health Sciences, Stirling University; Dr John Lister, Health Campaigns Together, campaigner against NHS cutbacks and privatisation.

For further details please email Hank Roberts hankr@hotmail.com



JUAC website

<https://the-juac.co.uk/>

Protect our children and teachers from asbestos exposure at school - sign the petition

<https://you.38degrees.org.uk/petitions/protect-our-children-and-teachers-from-asbestos-exposure-in-schools>