



**Chartered
Institute of
Environmental
Health**

**Response to the Health
and Safety Commission's
Consultation Document :
Proposals for Revised Asbestos
Regulations and an Approved
Code of Practice**

Chadwick Court
15 Hatfields
London
SE1 8DJ

Tel: + 44 (0) 207 827 5902
Fax: +44 (0) 207 827 6322

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Introduction

The Chartered Institute of Environmental Health (CIEH) is the professional voice of the environmental health community. It ensures the highest standards of professional competence in its members, in the belief that through environmental health action people's health can be improved.

CIEH represents over 10,000 members working in the public, private and non-profit sectors.

Comments

CIEH welcomes the opportunity to contribute to the consultation document on the revised Control of Asbestos at Work Regulations 2006 which consolidate the three sets of regulations that control asbestos into one piece of legislation with a single Approved Code of Practice (ACoP). This provides a sensible single regime.

CIEH is concerned the HSE's research has shown the removal of textured coatings is one thousand times less dangerous than previously thought. The research is based on the removal of textured coatings carried out by licensed contractors under current licensing conditions, not under the proposed regime which will mean removal in an uncontrolled environment. Research is clearly required in assessing risk under unlicensed conditions to ensure worker health and public healths are not undermined.

Whilst we accept the proposals in the CD, and HSE's further research on uncontrolled removal to support their proposals; CIEH would need the evidence base to be robust and far reaching and view changes to be reasonable on sensible risk assessment. We do however, have concerns in accepting these proposals as how HSE would ensure compliance in the absence of licensing with the proposed ACoP? Would this be left to insurers? In any case, a major public awareness campaign would be required for unlicensed contractors to follow the ACoP as they will not have the expertise, knowledge to the job properly.

Question 1 and 2 – Do you agree with the proposals to follow the AWPD requirements such that there should be a new regime to exempt work that produces only sporadic and low intensity exposure from the requirements of licensing, notification and medical surveillance?

CIEH believes in accepting this proposal would be misleading as a worker could be dealing with such work day in and day out and therefore their cumulative exposure would be high.

Question 3 – Do you agree with the proposal to align CAW requirements for minimising worker exposure more closely with the COSHH hierarchy of controls listed in order of priority?

Yes- this is the approach UK has taken with other carcinogens. CIEH view this as a sensible approach in simplifying the regulatory burdens on businesses. Historically if COSHH regulations existed few decades ago, then a separate regulatory framework for control asbestos related work would not have been required.

Question 4 - Do you agree with the proposal to implement a single Control Limit of 0.1f/cm³ as a 4hour TWA as measured using the WHO method?

Yes- CIEH would strongly support the proposal to implement a single control measurement. We would also support using the WHO standard of measurement.

Question 5- Do you agree with the approach to the requirements for identification of asbestos?

Yes- CIEH welcomes this proposal, as it places a positive duty on employers to undertake asbestos survey, identify asbestos and to presume that asbestos is present unless shown otherwise.

Question 6 and 8– Do you agree with the approach to requirements for the evidence of ability to do asbestos demolition and removal work? Do you agree with the proposal that only those who are competent (as defined) to work inside an enclosure are allowed to do so.

Yes- CIEH agrees with this proposal. Seeking evidence of competence from licensed asbestos contractors prior to any work with asbestos is important as well as no work being carried out without a written 'Plan of work'. CIEH supports the proposal that only those who are competent, as defined by the regulations, to work inside an enclosure.

Question 7- Do you agree the proposed approach to training requirements?

Yes- CIEH supports the explicit requirement for employers to provide appropriate training for all workers likely to be exposed to asbestos as in the current regulations. This should extend to safety representatives who represent members exposed to asbestos.

Question 9 and 10- Do you agree with the proposal to clarify and simplify the asbestos regulations by bringing the requirements of ASLIC and the Prohibitions Regulations into CAW and creating one combined set of Control of Asbestos at Work Regulations? Do you agree with the proposal to produce a single ACoP to cover all Control of Asbestos at Work regulations including licensing?

Yes- CIEH welcomes the consolidation of three pieces of legislation into one with a single ACoP, as it would provide more clarity and simplify the regulatory burdens on business.

**Question 11- Do you agree with the proposal changes to licensing such that:
(a) licences have a maximum time limit of 3 years
(b) removal of the exemption from licensing for employers using their own staff in their own premises for licensable work.**

CIEH supports the proposal that licences should have a maximum time limit of three years and also supports the need for a simplified and quick method of reviewing and removing licences within that period. We also, agree that employers should be required to be licensed when using their own staff for licensable work on their own premises.

Question 12 – Do you agree with the proposal that accreditation be required for someone to undertake a four stage clearance certification procedure?

CIEH agrees with this proposal.

Question 13 – Do you agree with the proposal to remove the two STELS from the Regulations and include a peak exposure limit of 0.6f/cm³ in ACoP such that no worker exposure, however short in duration should exceed that peak?

Yes- CIEH strongly welcomes the proposal to replace the two STELS with a peak exposure limit to ensure that no worker exposure, however short in duration should exceed that peak.