Asbestos Management: Management Briefing

This briefing is for Managers and Duty holders.

Regulation 4 of The Control of Asbestos Regulations 2012 requires Duty holders to "manage the risks from asbestos in Non-Domestic premises". Duty holders are those persons or organisations who have maintenance responsibility for the premises, including that arising under a contract or tenancy. Where there is no such contract or tenancy, every person who has, to any extent, control of that part of the premises or any means of access or egress is regarded as a duty holder.

Key responsibilities

Duty holders should:

- be sufficiently competent to carry out their duties or seek specialist assistance
- make a suitable and sufficient assessment of the risks posed by asbestos in the premises for which they hold a duty
- have and maintain a written Asbestos Management Plan detailing the process and procedures for managing the risks from asbestos
- where the presence of asbestos is possible, arrange for an accredited Inspection Body to inspect their premises to identify Asbestos Containing Materials and assess the risks, or assume all suspect materials are asbestos
- maintain asbestos risk registers for the premises for which they have a duty
- delegate responsibilities for maintaining Asbestos Containing Materials to relevant persons in the organisation and inform them of their responsibilities and provide training
- arrange asbestos awareness training for relevant persons who may undertake work on the premises, which may pose an asbestos risk to be delivered by a suitably competent trainer
- disseminate information regarding Asbestos Containing Materials to relevant persons, such as contractors, in a timely manner and ensure that asbestos will not be disturbed or damaged and ensure contractors' staff have received asbestos awareness training
- control contractors working in their premises to ensure that they are competent and have sufficient procedures in place to avoid disturbing Asbestos Containing Materials.

Legislation

- The Health and Safety at Work etc. Act 1974
- The Control of Asbestos Regulations 2012
- The Construction (Design and Management) Regulations 2015.

Case Law

There have been many cases over recent years seeing people awarded compensation after suffering asbestos related illnesses. Some see widows awarded large sums after they take their late husband's employers and ex-employers to court for their suffering. Some cases have seen settlements reaching over £250,000.

Marks and Spencers were fined £1m following an incident at one of their stores where contract work resulted in asbestos contamination spreading outside the area of work due to poor controls being implemented and contractors being allowed insufficient time to undertake the work robustly.

Recommended asbestos management process

- Compile (or obtain specialist assistance in compiling) a written Asbestos Management Plan detailing:

    - Asbestos policy and aims and objectives (How and Why)
    - Organizational structure and roles and responsibilities (Who)
    - Assessment and inspection techniques and preferred register format (What and Where)
    - Action plan, target dates, audit cycle and review process (When)

Also:

    - Dissemination of information process including control of contractors
    - Training levels and programmes
    - Emergency procedures.

- Use an accredited Inspection Body to carry out survey inspections of the premises and provide suitable and sufficient registers for management

- If Asbestos Containing Materials are to be worked on or removed use a suitably competent, trained AND insured contractor. For nearly all asbestos work this will legally require an HSE asbestos licensed contractor. ALWAYS separately employ an accredited 'Analyst' for environmental testing during asbestos removal to ensure independence and impartiality from the removal contractor.

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