



# ASBESTOS

This information sheet explains the health risks related to Asbestos and what employers must do to ensure the health, safety, and welfare at work of all employees.

## Asbestos - still a risk!

There are three main types of asbestos still found in the workplace. These are commonly known as blue asbestos (crocidolite), brown asbestos (amosite), and white asbestos (chrysotile). All of them are dangerous and it is not possible to identify the type of asbestos by its visual colour alone. The importation, supply, and use of all asbestos throughout Britain is prohibited. The last asbestos to be banned was white asbestos, under the Asbestos (Prohibitions) (Amendment) Regulations 1999. But in a few instances, the continued use of white asbestos is permitted. Examples include: safety critical applications where there is currently no substitute; for research, development, and analysis; and where it is a component of a product, until the end of that products service life, if it was in use before 24 November 1999. But despite the bans, asbestos continues to be a risk to the health of employees.

Regulations in force from 21st November 2002 are aimed at reducing this risk further by extending the duties on employers to control the risk of exposure to asbestos. Under these regulations employers must take extra care before any work is carried out which may contain asbestos. To do so they must:

carry out a risk assessment to identify the type of as-

bestos involved;

- assess the nature and degree of exposure;
- consider the level of control measures needed;
- consider the results of any monitoring;
- identify the steps to be taken to reduce or prevent exposure;
- consider the results of any health surveillance; and
- record the significant findings of that assessment.

The regulations come into force in two parts and for the first time also place duties on those who are in control of premises. From 21st May 2004 controllers of premises must

- take reasonable steps to identify asbestos in the workplace;
- keep an up-to-date accurate written record on the location of asbestos;
- monitor the condition of these materials;
- assess the risk of exposure from asbestos;
- prepare and implement a management plan to control such risks.

## WHAT ARE THE HEALTH RISKS?

Breathing in the asbestos dust causes asbestos related diseases. Asbestos dust and fibres causes more occupational deaths than any other substance. There is no

safe level of exposure, and all types of asbestos are dangerous. Around 3000 people in the UK die from asbestos related diseases each year, many of whom worked in the building trade at some point. These figures are rising and it is predicted that by 2010 some 10,000 people in Britain will die every year from exposure to asbestos, more than twice the number of road accident deaths. It is predicted that asbestos related disease would then be the largest single cause of male mortality under the age of 65.

Workers not normally associated with the building trade may also be at risk from exposure to asbestos. Building maintenance workers, repair workers and caretakers are all examples. Not only are they at risk from exposure, so are other employees, often UNISON members who normally work in the building. Asbestos dust being brought into their homes can also affect the families of those exposed at work. UNISON member Derek MacPherson died of mesothelioma in 1995 after being exposed to asbestos at work since 1962. Three years later, and after years of washing her husbands contaminated clothes, his wife and UNISON member Ann was diagnosed as suffering from the same type of cancer.

The effects of breathing in asbestos dust and fibres can take between 15 and 60 years to surface. Asbestos can cause mesothelioma (a cancer of the chest lining), lung cancer, pleural diseases (including fluid on the lungs, and asbestosis (scarring of the lungs)). These diseases are crippling and the deaths are often slow, lingering, and very painful. There are no known cures for asbestos related diseases.

### WHAT IS THE EXTENT OF THE PROBLEM?

Asbestos was used extensively as a building material and it can be found in many public service buildings built or refurbished between 1950 and 1980; including: schools, universities, hospitals, libraries and many local government offices. There are possibly 1.5 million buildings

affected. Its most common uses were:

- as a spray coating for fire protection and insulation on steel work, walls, and ceilings;
- as insulation lagging on pipes, boilers, and ducts;
- as insulating boards or loose packing in wall partitions, fire doors, and ceiling voids; and
- as cement products such as sheeting for walls and roofs, ceiling tiles, cold water tanks, gutters, pipes, decorative plasters, and textured finishes.

There is a risk of exposure if asbestos containing materials are in a prominent position and prone to accidental damage or if their surface is damaged, disturbed, or removed causing the fibres to be released into the atmosphere. For example, in a recent government initiative for schools, money was made available for the replacement of all outside toilets and for the refurbishment of boiler houses and other old school buildings. Many of these were built or insulated with asbestos materials. The demolition and removal of these will pose a real hazard to staff and pupils unless done by competent and licensed contractors. The major problem is that a lack of accurate information means that it is often not known when or where asbestos may be encountered.

### WHAT MUST EMPLOYERS DO?

Employers are required to ensure, so as far as reasonably practicable, the health, safety, and welfare at work of all employees (Section 2 of the Health and Safety at Work, etc Act 1974 (HSWA)). They must also conduct their undertakings in a way that so far as reasonably practicable, does not expose non-employees to risks (Section 3, HSWA). Employers are also obliged to assess all risks to employees and others at work (Regulation 3 of the Management of Health and Safety at Work Regulations 1999).

Thus under general health and safety legislation, employers must assess the risk of



exposure to asbestos and then do all that is reasonably practicable to avoid these risks, thereby ensuring the health and safety of employees and others.

However, because of the seriousness and extent of the problem, the Control of Asbestos at Work Regulations 1987 and accompanying Approved Code of Practice (ACOP) has been updated. The Control of Asbestos at Work Regulations 2002 spells out exactly what is to be done with regards to asbestos. The regulations place an explicit duty on people in control of premises who must:

take reasonable steps to accurately identify and locate materials likely to contain asbestos – by getting expert surveys of the workplace, consulting the original building plans, and contacting the architect, builders, or leaseholder;

presume that any given material contains asbestos until it is proven otherwise – including any materials which cannot be accessed;

- keep an up-to-date written record of the location of these materials;
- monitor the condition of these materials;
- assess the risk of exposure to asbestos dust and fibres – a written record of which must be kept, and must be renewed before any new asbestos work, or revised where there are changes in the work or in air monitoring results; and
- prepare and implement a management plan to control these risks – which also must be kept in written form, and be regularly reviewed and updated.

Any asbestos in poor condition should be removed. Minor damage to asbestos materials will need to be repaired and/or sealed by HSE licensed contractors. Asbestos containing materials which are in good condition and which are unlikely to be damaged or disturbed may be left in place. However, their location will have to be logged, and they will have to be

checked regularly.

The accompanying Approved Code of Practice, launched in December 2002, gives advice to employers on how to comply with these new duties.

UNISON safety representatives will probably consider that these proposals impose no new duty on employers, and this is true. Employers must currently risk assess all workplace hazards which their employees and others may face, and remove those risks wherever possible, or reduce them so far as possible where not. This would require employers to take steps to identify, document, and manage asbestos in workplace buildings. A failure to do so would mean that they are not doing all that is reasonably practical to ensure the health, safety, and welfare of their employees and others.

The advantage of the new regulations are that in standardising current good practice, they specifically state what all employers must do. If the employer fails to take the recommended steps, they will clearly be in breach of health and safety legislation.

### SO WHAT NOW?

Employers must not wait for new legislation. They must take control of asbestos immediately, by implementing a proper policy covering the identification, surveying, sealing, and logging of asbestos. It will be equally helpful if they keep a record of where the presence of asbestos has definitely been ruled out. These records must be kept up-to-date, accessible, and must always be referred to when building or maintenance work is being planned.

Due to the greater risks posed by blue and brown asbestos, employers should consider removing these immediately. Where white asbestos is found and it is in good condition, and/or repairable, sealable, and unlikely to be damaged or disturbed; it may be left in place if marked so that anyone who comes across it will know immediately. Also, staff must be provided with information, instruction, and training



about the risk from asbestos and the precautions needed. However, asbestos must be removed whenever building or renovation work gives rise to the opportunity.

A safe removal programme must be in place before any removal takes place. Remember that work on asbestos, including insulation, lagging, boarding, sealing, and removal, may only legally be done by HSE licensed contractors. Safety representatives are entitled to be consulted before contractors are selected and are also entitled to see their license. If there is any doubt the branch should contact their local HSE office. Their telephone number will be in the local telephone directory.

There must be proper liaison with contractors so all information about asbestos (it's type, location, the possibility of hidden asbestos, and the risks to health) is passed on, and to ensure that contractors follow any procedures.

If an "asbestos incident" occurs, all employees should be informed in writing about their potential exposure, the possible risks to health; and the fact of their exposure must be recorded by the employer.

UNISON safety representatives are legally entitled to be consulted on all the steps taken in dealing with asbestos; including asbestos risk assessments, control measures, and the results of any measurements or surveys.

### **SAFETY REPRESENTATIVES CHECKLIST**

Is a system in place for identifying and locating materials likely to contain asbestos?

Are written records on the location of asbestos up-to-date and accessible?

Are they always referred to before any building or maintenance work is planned or carried out, however minor?

Are all contractors aware of the organisation's procedures on asbestos? How is this managed?

Is the condition of any asbestos left in place regularly monitored?

If asbestos is to be removed is a plan in place to deal with its safe removal?

Is the risk of exposure to asbestos assessed and a written record kept?

Are safety representatives consulted over asbestos risk assessments, results of any surveys carried out and control measures?

Is information, instruction and training given to staff about asbestos risks and the precautions needed?

Are procedures in place to inform employees who have been exposed to asbestos?

### **ASBESTOS REGISTER LAUNCHED**

The first ever national asbestos register of UK buildings was recently launched. The aim, to try to prevent any further deaths from the unnecessary exposure of workers to asbestos. The project is supported by the TUC, the HSE, and the DETR.

The information contained on [www.asbestosregister.com](http://www.asbestosregister.com) a not-for-profit enterprise, will be accessible via the web and eventually aims to list every property in the UK containing the deadly substance.

By logging onto the site via a PC or WAP mobile phone; it will be possible to tell in an instant whether there is an asbestos register for a building. Contact details for the owner or manager of the property will be given, who once contacted will be able to give access to the information on the building contained on the register.

