

CLYDESDALE HOUSING ASSOCIATION LIMITED

Policy: **Asbestos Management Policy**

Date: **30 October 2019**

Lead Officer: **Depute Chief Executive**

Review Date: **October 2022**

Regulatory Standards: **Standard 1**

The governing body leads and directs the RSL to achieve good outcomes for its tenants and other service users.

Guidance

- 1.1 The governing body sets the RSL's strategic direction. It agrees and oversees the organisation's business plan to achieve its purpose and intended outcomes for its tenants and other service users.
- 1.2 The RSL's governance policies and arrangements set out the respective roles, responsibilities and accountabilities of governing body members and senior officers, and the governing body exercises overall responsibility and control of the strategic leadership of the RSL.
- 1.3 The governing body ensures the RSL complies with its constitution and its legal obligations. Its constitution adheres to these Standards and the constitutional requirements set out below.
- 1.4 All governing body members accept collective responsibility for their decisions.
- 1.5 All governing body members and senior officers understand their respective roles, and working relationships are constructive, professional and effective.
- 1.6 Each governing body member always acts in the best interests of the RSL and its tenants and service users and does not place any personal or other interest ahead of their primary duty to the RSL.
- 1.7 The RSL maintains its independence by conducting its affairs without control, undue reference to or influence by any other body (unless it is constituted as the subsidiary of another body).

The Scottish Social Housing Charter relevant indicators:

4: Quality of housing

Social landlords manage their businesses so that:

- tenants' homes, as a minimum, meet the Scottish Housing Quality Standard (SHQS) by April 2015 and continue to meet it thereafter, and when they are allocated, are always clean, tidy and in a good state of repair.

5: Repairs & Maintenance

Social landlords manage their business so that:

- tenants' home are well maintained, with repairs and improvements carried out when required, and tenants are given reasonable choices about when work is done

13: Value for Money

Social landlords manage all aspects of their businesses so that:

- tenants, owners and other customers receive services that provide continually improving value for the rent and other charges they pay.



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1.0 INTRODUCTION

- 1.1 Clydesdale Housing Association currently manages approximately 738 properties. The majority of these were built between 1990 and 2012. Inspection of void properties to date has not indicated the presence of any materials suspected of containing asbestos in these buildings. Also HSE Guidance Note HSG 264 (Second Edition, 2012) indicates that buildings constructed post 2000 are very unlikely indeed to contain asbestos materials.

However, in addition to the relatively new properties, the Association also manages approximately 160 properties which were transferred from Scottish Homes and built in the 1950's. These properties are situated in the Carluke, Rigside, Kirkmuirhill and Lanark areas. It is quite likely that asbestos containing materials were used in the construction of at least some of these properties.

An asbestos survey of the Carluke properties was carried out in September 2002 and asbestos materials were found in some of the properties. A walk through inspection is also carried out in all stock transfer properties, as and when properties become void. The results of these surveys are held on the Associations Asbestos Register.

During work¹ in the "stock transfer premises" it is possible, therefore, to encounter asbestos containing materials.

- 1.2 The presence of an asbestos containing material in itself does not constitute a danger. However, there is a potential risk to health if such material is disturbed and damaged. An isolated accidental exposure to asbestos fibres for a short duration is extremely unlikely to result in the development of asbestos related diseases. However, regular exposure – even at relatively low levels – can present a risk. As well as people employed in the building trades, inadvertent exposure (and consequent risk) can occur in other groups of people e.g. installers of I.T. systems, burglar alarms, smoke detectors, etc.
- 1.3 Working with, and managing, asbestos materials is now very tightly controlled by a number of different Legislative Acts (See Appendix 1). Responsibility for ensuring compliance with these Acts within Clydesdale Housing Association has been delegated to the Technical Services Manager.

¹ Work for the purposes of this document is deemed to include any activity that interferes with or disturbs the fabric of the building.

2.0 ASBESTOS POLICY

2.1 Statement of Intent

It is the policy of Clydesdale Housing Association to ensure that, as far as is reasonably practicable, no persons are exposed to risks to their health due to exposure to any asbestos containing materials that may be present in any of the properties it owns or occupies.

2.2 Policy Statement

The Housing Association's Asbestos Policy conforms to the Health and Safety at Work Act 1974 and the Control of Asbestos Regulations 2012. The Policy and Procedures will apply to all buildings and all individuals employed and/or engaged by the Housing Association **without exception**.

2.3 The Association Policy on asbestos is to:

- i) ensure the prevention of exposure to risks associated with asbestos containing materials.
- ii) ensure that any asbestos containing materials that may be present in any of its buildings are maintained in a condition so as to prevent the possibility of any harm to health occurring.
- iii) promote awareness of the risks from asbestos containing materials and the Association Management Procedures through training and induction of relevant staff.
- iv) provide adequate resources to ensure the provision of appropriate information, instructions and training.
- v) ensure a commitment to comply with all relevant asbestos legislation, Approved Codes of Practice, Health and Safety Executive Guidance Notes and to commit to the safe disposal of any asbestos waste in accordance with the appropriate legislation.
- vi) ensure that all properties built before 2000 receive a visual check to identify any asbestos containing materials that may be present therein and to maintain the Asbestos Register for these buildings. The Register undergoes regular reviews and is updated after any treatment and/or removal works have been undertaken. Establishments will be risk assessed and programmed for checks within three years, unless new legislation determines otherwise.
- vii) implement an effective asbestos management strategy in order that appropriate measures such as encapsulation, labelling, inspection, working with, or removal of, the material can be undertaken.
- viii) ensure that an appropriate system is installed, maintained and implemented for the management of all asbestos containing materials identified in the Register. Such a system is to be capable of recording the risk, the needs and priorities for treatment and/or removal.
- ix) ensure that all Contractors and Sub Contractors engaged to carry out work on any of the Association's buildings are provided with a summary, listing all relevant premises that may contain asbestos which may be disturbed by their works, and are advised of the appropriate precautions and procedures to be followed.
- x) ensure that information regarding the presence of asbestos is contained in tender documentation, as may be appropriate, and that Contractors and Sub

Contractors have in place Risk Assessments, Method Statements, etc. for its removal and/or management as appropriate.

- xi) ensure that only licensed asbestos removal Contractors/Sub Contractors and unlicensed but competent contractors (i.e. have received appropriate asbestos awareness training and hold insurance for working with asbestos containing materials) are employed to carry out work within our properties with asbestos containing materials present.
- xii) regularly review the Asbestos Management Policy and Procedures.

3.0 RESPONSIBILITIES

General

3.1 Clydesdale Housing Association has responsibility for compliance with The Health and Safety at Work etc. Act. (1974) and all associated legislation. This includes specific legislation relating to asbestos, as set out in Appendix 1. This specific Asbestos Policy and Procedures Document should be read in the context of the Association's Corporate Health and Safety Policy.

3.2 Senior Managers will ensure that all of their staff are familiar with the contents of this Policy and Procedures document, insofar as it is relevant to their roles and responsibilities.

3.3 Responsibility for the implementation of this Policy and Procedures document, along with the management of asbestos containing materials in premises will rest with the Technical Services Manager.

3.4 **The Technical Services Manager** will be responsible for ensuring that the Association : -

3.4.1 maintains an effective asbestos management strategy, as detailed in this Document, in order that appropriate measures are undertaken for inspection, working with, encapsulation or removal of asbestos materials.

- provides information on asbestos containing materials.
- reports any incident of alleged asbestos exposure to the Health and Safety Co-ordinator and assisting with any investigation.
- assists the Health and Safety Co-ordinator in providing the Health and Safety Executive with details of asbestos management procedures if/when requested
- promotes awareness of the hazards of asbestos containing materials and the Association's Asbestos Management Procedures by advising on appropriate training and induction, in liaison with Administrative, Technical and Management staff.
- assesses, reviews and recommends management actions following inspection findings, changes of legislation or current good working practice and amending where necessary standards of work detailed in the general specification for work with asbestos containing materials.

3.4.2 He/she will ensure that the Technical Services department: -

- arranges for samples to be taken of any suspected materials, in accordance with prescribed procedures, and arranging for the analysis of the samples by a test house with the appropriate UKAS (United Kingdom Accreditation Service) accreditation.
- programmes surveys in the Association's premises to identify any asbestos containing materials that may be present and to maintain the Asbestos Register for each building.
- ensures that adequate reviews of surveyed premises are carried out and that asbestos registers are updated accordingly.
- organises regular audits of the Asbestos Register.

3.4.3 He/she will be responsible for: -

- monitoring to ensure that only licensed asbestos removal Contractors/Sub Contractors and unlicensed but competent contractors (i.e. have received appropriate asbestos awareness training and hold insurance for working with asbestos containing materials) are employed to carry out work within our properties with asbestos containing materials present
- maintaining a current list of approved HSE Asbestos Licensed Contractors and UKAS accredited asbestos testing/survey organisations.
- Ensure that all contractors on the Association's Approved List of Contractors provide evidence of having received appropriate asbestos awareness training and hold the relevant insurances for working with asbestos containing materials.
- halting works where a contractor does not perform to the required standards or where the procedures contained within this document have not been followed.
- informing all staff, Contractors and Sub Contractors as to the presence of any asbestos containing materials known to have been affected by the works.
- halting any works and informing staff if suspected materials are discovered during the course of any works.
- ensuring that the Asbestos Register is updated on completion of any works on asbestos containing material.

3.5 Health & Safety Co-ordinator

will be responsible for: -

- in conjunction with the Technical Services Manager, investigating and reporting to the Management Committee on any alleged incident of accidental asbestos exposure and also for ensuring correct reporting of incidents under RIDDOR, where appropriate.
- assisting the Technical Services Manager in providing the Health and Safety Executive with details of asbestos management procedures if/when requested.

3.6 Association Employees

All persons employed by the Clydesdale Housing Association will be responsible for:-

- ensuring that any work that may disturb or damage asbestos containing materials is avoided.
- reporting to the Technical Services Manager any materials suspected of containing asbestos where the material has become disturbed and/or damaged or where tenants, staff, contractors and/or sub contractors are likely to undertake work, which may affect that material.

3.7 Planning Supervisor

If work is to be carried out in any properties listed on the Asbestos Register, then the following procedure must be followed. It does not have to be followed for work in the newer properties (2001-2012) managed by the Association.

The Association may, from time to time, utilise the services of an Association approved external Principal Designer. The principal designer will be responsible for all functions previously carried out by the CDM-Coordinator i.e:

- interrogating the Asbestos Register before preparing the pre-tender Health & Safety Plan and ensuring that any asbestos identified is included in the Plan.
- assessing, prior to work starting, the contractor's and/or sub-contractor's Method Statement, Risk Assessment(s), Notices and any other relevant documentation.
- notifying the Project Manager if satisfactory. The Project Manager will then authorise the start of work.
- notifying the Project Manager if unsatisfactory. The Project Manager will not allow the work to start until all problems have been rectified to the satisfaction of the Planning Supervisor.
- preparing a summary report of the problems for the Association. This may subsequently be used during any future review of the list of Approved Contractors.

3.8 Project Managers / Designers

If work is to be carried out in any properties listed on the Asbestos Register then the following procedure must be followed. It does not have to be followed for work in the newer properties (2001-2012) managed by the Association.

Project Managers/Designers will be responsible for:-

- ensuring that before any **feasibility work** is started on any project that the Asbestos Register is consulted and information obtained on any asbestos containing materials within the premises. If there is no asbestos register for the premises then the Project Manager should request the Technical Services Manager to organise an asbestos survey. In this case a minimum of **6 weeks** must be allowed to enable surveys, sampling, analysis and reporting to take place
- **ensuring that before any work is started on any Association premises that the Asbestos Register has been consulted.** If no asbestos is identified then the works can proceed with caution, bearing in mind the possible presence of asbestos containing materials not identified in the Asbestos Register. If there is no asbestos register for the premises then the Project Manager should request the Technical Services Manager to organise an asbestos survey. In this case a minimum of **6 weeks** must be allowed to enable surveys, sampling, analysis and reporting to take place.
- halting any works and informing staff if suspected materials are discovered during the course of the works and immediately seeking advice from the Technical Services Manager.
- ensuring that only HSE asbestos licensed contractors and UKAS accredited testing organisations from the Association's Approved List are used.
- ensuring that separate contracts are issued for asbestos remediation works and subsequent asbestos testing/monitoring.
- informing all relevant staff, Contractors and Sub Contractors of the presence of any known asbestos, which may affect the works. Additionally, contractors are to be instructed to consult the Asbestos Register in order to familiarize

themselves with the location of any known asbestos, non-accessible areas, or restricted areas in the premises

- permitting the works to start if the Principal Designer is satisfied with the quality of the documentation.
- not permitting the work to start, in the event of unsatisfactory initial documentation, until the Principal Designer is satisfied with the modified documentation.
- advising the Technical Services Manager of the completion of any works to asbestos containing materials and providing such information as may be required in order that the Asbestos Register may be updated. This information must be supplied within 5 (five) working days of the completion of the asbestos works.

3.9 General Contractors and Sub-Contractors

where asbestos materials may be disturbed they will be required to: -

- ensure that they are fully familiar with current legislation relating to the management of Asbestos Containing Materials.
- hold adequate insurance cover to allow them to carry out works in properties which have asbestos containing materials present, in accordance with HSE recommendations, and carry out works in line with their insurances
- ensure that they have a clear understanding of the Association's Asbestos Policy and Procedures.
- ensure that all staff employed by them have received an appropriate level of asbestos awareness training.
- consult with any relevant asbestos registers that may be available for establishments **before** work progresses.
- ensure that any relevant risk assessments, method statements, statutory notices are in place before work commences.
- to progress all works diligently but, if any suspect materials is encountered, to immediately suspend operations and to contact the Technical Services Manager for further instruction.
- provide copies of all test certificates, Certificates of Reoccupation, evidence of correct waste disposal to the Technical Services Manager within 10 (ten) working days of the completion of the work.
- **Asbestos Contractors must be approved by the Technical Services Manager before any order is placed or contract awarded.**

3.10 Asbestos Removal Contractors & Sub-Contractors

will be responsible for:-

- ensuring that they have a current license from the HSE to work with the type of asbestos indicated.
- ensuring that they have current and adequate insurance cover for the asbestos works to be undertaken.
- ensuring working practises are in compliance with current legislation and all associated Approved Codes of Practice and Guidance Notes.

- attending site to assess and prepare quotations against asbestos work specifications. The contractor or sub contractor must raise any issues relating to health and safety, or potential additional costs, on the project to the instructing officer/project manager.
- attending site meetings as may be required.
- providing a written Method Statement and Risk Assessments to the Project Manager and the Statutory Authority. The Risk Assessments and Method Statement must indicate the resources and timetable allocated to the project in accordance with the Control of Asbestos Regulations 2012. Emergency procedures must be discussed, and agreed, with the Project Manager before work commences
- providing statutory notice to the Health and Safety Executive or the Local Authority Environmental Health Department, as may be required, prior to the commencement of any asbestos related works or, by agreement with the Project Manager, applying for a waiver against the minimum notice period. Copies of all such notices must be submitted to the Project Manager before work commences.
- carrying out their obligations under the contract, including maintaining high standards of safety and hygiene in asbestos works and all related work areas and supplying labour, materials and equipment of the highest standard, complete with all supporting documentation as may be required.
- carrying out regular inspections of the work environment. Any defects found, or any reported by the Association's representatives, must be immediately rectified.
- complying with the Association's Policy specific to Authorisation to Work procedures and with all reasonable requests from the Technical Services Manager.
- identifying to the Technical Services Manager, or their appointed representative, any additional elements of work which are to be agreed. The Method Statement must be updated accordingly.
- liaising with the appointed UKAS accredited asbestos testing organisation to ensure the satisfactory progress of the works.
- providing copies of all test certificates, Certificates of Reoccupation, evidence of correct waste disposal to the Asbestos Co-ordinator within 10 (ten) working days. Of the completion of the asbestos works.

3.11 Asbestos Analysts & Surveyors

will be responsible for: -

- maintaining, and demonstrating UKAS accreditation relevant to the requested task.
- maintaining adequate insurance cover for the tasks to be undertaken.
- providing support to the Technical Services Manager as may be required.
- reviewing and commenting, when requested by the Technical Services Manager or his representative, on asbestos works such as: specifications, Contractor's and/or Sub Contractor's Method Statement, work procedures, etc.
- carrying out analytical works and inspections as agreed with the Technical Services Manager or his representative. Where site conditions alter, the

analyst will be required to amend the level of testing and inspections to ensure that all information relevant to the continued health and safety of the Contractor and building occupants is obtained.

- reporting to the Technical Services Manager, or his representative, any defect or non-compliance relating to the Contractor's and/or Sub Contractor's performance, including suitability of the work area, adherence to the Method Statement, Statutory Instruments, and the Association's Asbestos Policy and Procedures. Where the Technical Services Manager is not immediately available the surveyor/analyst will be expected to take such measures as may be deemed necessary to ensure the health and safety of Contractors and Sub Contractors and building occupants. These actions must be reported to the Technical Services Manager as soon as reasonably practicable.
- checking areas on completion of asbestos remedial works to ensure that the contractor has completed his scope of works and all affected areas have been left in a satisfactory condition.
- carrying out air monitoring tests as may be required by the Technical Services Manager, or his representative, or as identified in the Risk Assessment.
- reporting to the Technical Services Manager and others as may be appropriate, any aspects of asbestos management encountered on site which could give rise to health risks e.g. breaches of the Asbestos Policy and Procedures, suspect or damaged asbestos.
- issuing formal reports, including Certificates of Re-occupation, Technical Services Manager on completion of any site works. This information must be supplied within 10 (ten) working days of the completion of the asbestos works.

4.0 PROCEDURES FOR DAMAGED, DISTURBED, OR PREVIOUSLY UNIDENTIFIED ASBESTOS

- 4.1** It is the responsibility of all staff to report to the Technical Services Manager if they suspect that disturbed or damaged asbestos containing materials may be present in a building owned or occupied by the Association. The Technical Services Manager can be contacted on **01555 678943** (Tuesday to Thursday 8.00am to 5.30pm and 8.00am to 4.00pm on a Friday) or on **07969 087268** (mobile). The Technical Services Manager will then give appropriate advice.
- 4.2** Where damage to any material known to contain asbestos has taken place, and is likely to give rise to airborne respirable fibre release, the Technical Services Manager will arrange for air monitoring tests (measurement of airborne fibre concentrations) to be carried out. Sampling and analysis will be carried out by an independent UKAS accredited organisation to determine the level of any potential contamination, or to provide reassurance that unacceptable contamination has not occurred.
- 4.3** Details of air test results will be made available for inspection & record purposes.
- 4.4** Remedial action will only be required when airborne fibre levels exceed 0.010 f/ml. The nature of the remedial work must be agreed with the Technical Services Manager.
- 4.5** When remedial action becomes necessary after exposure, the relevant facts may have to be reported to the HSE in accordance with the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR). The Health and Safety Co-ordinator and/or the Technical Services Manager will advise on, and ensure compliance with, this requirement. Where damage occurs to materials which have not been confirmed as containing asbestos (prior to the completion of a survey and the issue of a register) but which the premise manager suspects may contain asbestos, then advice should be obtained from the Technical Services Manager as soon as possible after the incident.
- 4.6** Where a material is suspected of containing asbestos, the Technical Services Manager to arrange for the material to be tested.

5.0 PROCEDURES FOR FEASIBILITY STUDIES

If the proposed work is to be carried out in any properties listed on the Asbestos Register, then the following procedure must be followed. It does not have to be followed for work in the newer properties (2001-2012) managed by the Association.

- 5.1 Before any **feasibility work** is started on any project the Asbestos Register must be consulted and information obtained on any asbestos containing materials within the premises. If there is no asbestos register for the premises then the Project Manager should request the Technical Services Manager to organise an asbestos survey. In this case a minimum of **6 weeks** must be allowed to enable surveys, sampling, analysis and reporting to take place.

6.0 PROCEDURES FOR PROJECT AND OTHER PLANNED WORKS

If the proposed work is to be carried out in any of the properties listed on the Asbestos Register, then the following procedure must be followed. It does not have to be followed for work in the newer properties (2001-2012) managed by the Association.

- 6.1 **The Project Manager must interrogate the Asbestos Register before commencing any work that may interfere with the fabric of any Association owned or occupied building.** If no asbestos is identified then the works can proceed with caution, bearing in mind the possible presence of asbestos containing materials not identified in the Asbestos Register.
- 6.2 Relevant information on any asbestos containing materials within the premises **should** be provided to Contractors and Sub Contractors at the 'tender' stage.
- 6.3 Contractors and Sub Contractors **must** be informed of the presence of any known asbestos which might affect the carrying out of the works before they commence. Additionally, contractors are to be instructed to consult the Asbestos Register in order to familiarise themselves with the location of any known asbestos, non-accessible areas, or restricted areas in the premises.
- 6.4 Separate contracts must be issued for asbestos remediation works and subsequent asbestos testing/monitoring.
- 6.5 If suspected materials are discovered during the course of the works then the work will be immediately halted and staff in the vicinity informed. Advice must be sought immediately from the Technical Services Manager who may arrange for any necessary analytical work, air-monitoring tests etc. appropriate. The cost of any such action will be charged to the project.
- 6.6 The Technical Services Manager must be advised of the completion of any works to asbestos containing materials and provided with such information as may be required in order that the Asbestos Register may be updated. This information must be supplied within 10 (ten) working days of the completion of the asbestos works.

7.0 PROCEDURES FOR ROUTINE MAINTENANCE WORK

If the proposed work is to be carried out in any of the properties then the following procedure must be followed. It does not have to be followed for work in the newer properties (2001-2012) managed by the Association.

- 7.1** The Association uses a small number of regular contractors for maintenance work. Each of these contractors is supplied with a copy of the asbestos register for their information.
- 7.2** When a job request is received and processed, if it is in a property where asbestos is present, a flag will show on SDM for the Duty Holder to refer the matter to the Technical Services Manager, or the Technical Services Officer in their absence, immediately.
- 7.3** The Technical Services Manager/Officer will interrogate the Asbestos Register to determine the level of risk associated with the job request in line with the level of asbestos present.
- 7.4** The Technical Services Manager/Officer will then raise a works with an appropriate contractor in line with the information given in the register. This may involve raising two jobs lines if a licensed contractor is required due to insurance restrictions with the reactive maintenance contractor, when working with asbestos containing materials.
- 7.5** The Technical Services Manager must be advised of the completion of any works to asbestos containing materials and provided with such information as may be required in order that the Asbestos Register may be updated. This information must be supplied within 10 (ten) working days of the completion of the asbestos works.

8. Management of Tenants

- 8.1** Some houses managed by the Association are known to contain asbestos materials. In these cases the materials have been inspected by a competent person. Where materials have been identified as potentially posing a risk they have been removed.
- 8.2** In most cases, asbestos containing materials which have been identified as being of very low/negligible risk have been left in situ. If these materials are not disturbed then they present no significant risk.
- 8.3** Tenants should not under any circumstances disturb materials which contain, or are suspected to contain, asbestos.
- 8.4** If a material which contains, or is suspected to contain, asbestos is damaged or disturbed the tenant should immediately telephone The Technical Services Manager can be contacted on **01555 678943** (Tuesday to Thursday 8.00am to 5.30pm and 8.00am to 4.00pm on a Friday) or on **07969 087268** (mobile). The Technical Services Manager will then give appropriate advice.
- 8.5** The Association will prepare and distribute to Tenants an information sheet on any asbestos materials and hazards in their homes.

APPENDIX 1

RELEVANT LEGISLATION

The Health and Safety at Work etc. Act 1974 places general duties on employers and self-employed persons to ensure, so far as is reasonably practicable, the health, safety and welfare of all their employees, and persons other than their employees who may be affected by any of their undertakings. They must also ensure that the premises, and any plant or substance therein, are safe and present no risks. The regulations that have either been introduced under this Act, or introduced to implement the requirements of EC directives, and are relevant to the management of asbestos, are set out below.

Management of Health and Safety at Work Regulations, (Amendment) 1999 requires an employer to assess and control risks to the health and safety of his employees and, for significant risk, to record the assessment. This would include the management of risks arising from asbestos.

Control of Asbestos Regulations 2012 came into force in the UK in 2012 and extended slightly the 2006 Regulations. The latter repealed the Asbestos Licensing Regulations 1983 (as amended), the Asbestos Prohibition Regulations 1992 (as amended) and the CAWR 2002. The Regulations consolidated and simplified the regulatory framework by combining all of the previous Regulations into one framework. The new Regulations introduced a single lower Control Limit for airborne asbestos, a new fibre counting method (the WHO method), and the de-classification of Textured Coatings. The main thrust of the regulations, however, remains Regulation 4 and the Duty to Manage. The Requirement to manage asbestos in non-domestic premises (and includes the common parts of domestic premises), applies when any work with asbestos, or with any product containing it, is carried out by the employer. Exposure of employees to asbestos should be prevented, or reduced as far as reasonably practicable. The new regulations set down a control limit at, or above, which employees must not be exposed unless they are wearing respiratory protective equipment, and oblige employers to assess any risk prior to any work with asbestos so that appropriate measures can be taken to control exposure. There is also a duty to prevent or reduce, as far as is reasonably practicable, the spread of asbestos from the work place where work is carried out. In addition, there are also requirements on personal protective equipment and on ensuring that asbestos is stored or transferred only in suitable sealed and marked containers. The duties to protect employees are extended to anyone else who may be affected by the work, including members of the public. Protective equipment requirements are described in the **Personal Protective Equipment at Work Regulations 1992**. The 2012 Regulations added a new classification for low risk asbestos work i.e. Notifiable but Non Licensed Work (NNLW). All other sections of the Regulations are the same.

The Construction (Design and Management) Regulations 2015 (CDM 15) replaced the 2007 Regulations of the same name and provide a framework for the governance and management of health, safety and welfare in construction and demolition projects. The new Regulations saw the *removal of the CDM Co-ordinator role*, with the Health & Safety duties of the former CDM-C now being passed to the Principal Designer. The Regulations include various 'notification' and safety related documentation requirements for certain projects. However, in most cases of asbestos works, the Asbestos Regulations will take precedence over the specific requirements under CDM on the basis that asbestos controls are best determined by the asbestos legislation, codes of practice and guidance.

Disposal of Asbestos Waste

Part II of the EPA sets out waste management and disposal requirements that affect all companies producing controlled waste as defined in section 75(4) of the EPA. Section 34 of the EPA introduces a statutory "Duty of Care" for all those producing or dealing with waste. All waste producers must follow the Duty of Care and have a statutory obligation to ensure the appropriate and correct handling, transportation and ultimate disposal / treatment of the waste they produce.

This is especially important if the material is classed as a 'Special Waste' under the *Special Waste Regulations 1996, as amended*, which denotes the waste as being of a hazardous nature and requiring specific transportation and disposal procedures to be followed. The waste must also be assigned a waste code under the European Waste Catalogue and meet specific Waste Acceptance Criteria.

Waste material containing asbestos will be classed as Special Waste if it meets the hazardous waste criteria.