

## • *Asbestos – still a risk!*

*Last updated in March 2009*

There are three main types of asbestos still found in the workplace. These are commonly known as blue (crocidolite), brown (amosite), and white asbestos (chrysotile). All of them are dangerous and it is not possible to tell which is which by their visual colour alone.

Importing, supplying or using asbestos or asbestos containing materials (ACMs) is generally illegal, with just a few instances where the continued use of white asbestos is permitted. These including safety critical applications where there is currently no substitute and where it is a component of a product (if in use before 24 November 1999, and for the life of the product).

Despite the bans, the various types of asbestos continue to be a risk to the health of employees.

### **WHAT ARE THE HEALTH RISKS?**

Breathing in asbestos dust and fibres puts you at risk of contracting mesothelioma (a cancer of the lining of the lung) and lung cancer. Both are often only diagnosed at late stages, which limits treatment options and survival rates – both are normally fatal. Asbestosis (scarring of the lungs) can also develop and lead to extreme pain and shortness of breath, and may be fatal. Pleural diseases (including fluid on the lungs and the thickening of the lining around the lungs) may lead to difficulty in breathing, pain and disability.

Asbestos dust and fibres cause more occupational deaths than any other substance. Around 4000 people in the UK die from asbestos related diseases each year, many of whom worked in the building trade at some point. There is no safe level of exposure, and all types of asbestos are dangerous. The effects of breathing in asbestos dust and fibres are not immediate. It can take between 15 and 60 years to surface.

### **WHERE IS ASBESTOS FOUND?**

In the past, asbestos and ACMs were extensively used as a building material. It can be found in many public service buildings, especially those built or refurbished between 1950 and the mid-1980s; including: schools, universities, hospitals, libraries, and many local government offices. It was used:

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

- within products such as textured finishes and decorative plasters, certain ceiling and floor tiles, mastics, sealants, roper seals, gaskets, and bituminous products.

Note: this list is not exhaustive.

## **WHO IS AT RISK?**

There is a risk of exposure if asbestos or ACMs 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. Maintenance, repair, or construction type activities may give rise to fibre release. Examples of such work include: installing computers or telephones by running cabling through areas containing asbestos, putting up window blinds, or installing security systems. Vandalism may also cause a risk, such as school pupils or patients in an accident and emergency department “kicking-in” asbestos/ACM panels.

UNISON members at risk include craft workers who repair, maintain, and carry out other building type works. Caretakers and those carrying out minor works such as putting up shelves or clocks, etc. are also at risk. UNISON members who normally work in the building, but are not associated with this type of work may also be put at risk.

For example, teaching assistants, pupils, administrative staff, nurses, and porters may all be put at risk either from pinning work, posters, or decorations to asbestos insulation board or ceiling tiles, or from the work carried out by the maintenance workers mentioned above. Medical staff have developed asbestos related diseases when their only exposure had been using a service tunnel between two buildings which also contained asbestos lagged pipes. Asbestos dust being brought into their homes can also affect the families of those exposed at work. There have been numerous cases of the wives of husbands who worked with asbestos being exposed themselves and becoming ill with asbestos related-diseases.

The major problem is that a lack of accurate information means that it is often not known when or where asbestos may be encountered, but anyone carrying out work which may disturb or damage asbestos must know the answer before they begin work.

Do not drill, cut into, or damage by any other means; any wall or surface, or allow anyone else to do so, until it is certain that there is no asbestos or ACMs present. This may require the taking of samples for analysis. Alternatively, it may be presumed that ACMs are present and then any work must be done under controlled measures.

## **WHAT MUST EMPLOYERS DO?**

Employers are required to ensure, so 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) and conduct their undertakings in a way that so far as reasonably practicable, does not expose non-employees to risks (section 3). 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, various regulations have been introduced to specifically cover asbestos, the latest being The Control of Asbestos Regulations 2006.

There is also an accompanying Approved Code of Practice (ACOP) and guidance for regulation 4 which covers the management of asbestos in non-domestic premises. Similar regulations apply to Northern Ireland; The Control of Asbestos Regulations (Northern Ireland) 2007.

### **Manage the Asbestos in Buildings (regulation 4)**

The regulations places an explicit duty on people in control of premises (the duty holders). Under regulation 4, the duty holder must:

- take reasonable steps to find out if there are materials containing asbestos in non-domestic premises, and if so, its amount, where it is and what condition it is in;
- presume materials contain asbestos unless there is strong evidence that they do not;
- make, and keep up-to-date, a record of the location and condition of the asbestos containing materials - or materials which are presumed to contain asbestos;
- assess the risk of anyone being exposed to fibres from the materials identified;
- prepare a plan that sets out in detail how the risks from these materials will be managed, including keeping such materials in good condition, and repaired or removed as necessary;
- take the necessary steps to put the plan into action including giving information about the location and condition of asbestos to anyone potentially at risk;
- periodically review and monitor the plan and the arrangements so that the plan remains relevant and up-to-date; and
- provide information on the location and condition of the materials to anyone who is liable to work on or disturb them, or to members of the emergency services (in the event of an emergency).

The duty holder may be the owner in the case of a small business, or the estate or health and safety manager in a larger organisation.

### **Identify where Asbestos is (regulation 5)**

No building or other work may be carried out if it would expose or be liable to cause an exposure to asbestos, until a suitable and sufficient assessment has been carried out to assess:

- the presence or likelihood of asbestos being present,
- its type,
- what material it is in, and
- its condition.

Alternatively, if there is doubt it must be assumed that asbestos is present (and not just white asbestos).

### **Plan the Work (regulation 7)**

Before any work is carried out on asbestos, a suitable written plan of work detailing how this will be safely carried out must be prepared, and a copy of this must be kept at the building concerned. Most work on asbestos must be done by licensed contractors (regulation 8), and this can only take place after the appropriate office of the enforcing authority has received the relevant notification.

Note that even where the work involved does not require licensed contractors, it must still be risk assessed and be done in a safe and healthy manor.

## **Inform, instruct, and train (regulation 10)**

All employees who are liable to be exposed to asbestos, or who supervise such employees must receive adequate information, instruction, and training. This should include:

- the properties of asbestos;
- the health effects of exposure to asbestos dust and fibres including the interaction with smoking;
- the types of products or materials likely to contain it;
- operations which could cause an exposure; and
- the importance of preventative controls, safe work practices, and protective equipment.

## **Prevent or Reduce Exposure (regulation 11)**

Health risks from exposure must be prevented so far as is reasonably practicable or otherwise reduced to the lowest level reasonably practicable (without using masks). Once this has been done, it may still be necessary for those working on asbestos to wear personal and respiratory (face masks, etc) protective equipment.

## **Accidents, Incidents, and Emergencies (regulation 15)**

Employers should have arrangements in place to deal with accidents, incidents, and emergencies. In the event of an unplanned release the plan should include mitigation of the effects, restoring the situation to normal, and informing any person affected.

If an “asbestos incident” occurs, all those exposed should be informed in writing about their potential exposure, what the employer is doing to prevent further exposure, the possible risks to health, and that they may want to consult their doctor and have a note put on their medical record. Those exposed should be aware that this may make a difference to their life and health insurance premiums.

## **SO WHAT NOW?**

Employers must take control of asbestos immediately, by implementing a proper policy covering the identification, surveying, sealing, and logging of asbestos. 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; there is a view that it may be left in place if marked so that anyone who comes across it will know immediately. However, some campaigners argue that with the risk of exposure always present when it is left in place, it should be removed at every opportunity. Certainly, asbestos must be removed whenever building or renovation work gives rise to the opportunity.

UNISON safety reps are legally entitled to be consulted on all the steps taken in dealing with asbestos; including asbestos risk assessments, any plans to work on asbestos, the asbestos management plan, and the appointment of any contractors licensed to work on asbestos, control measures, and the results of any measurements or surveys.

## SAFETY REPS CHECKLIST

- Is there 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 reps consulted over asbestos risk assessments, the results of any surveys carried out, and any 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?

## FURTHER INFORMATION

**UNISON** – go to our website at: [www.unison.org.uk/safety/index.asp](http://www.unison.org.uk/safety/index.asp) and click on asbestos in the drop down menu for other materials and news items.

**Joint HSE/TUC** - The Control of Asbestos Regulations 2006, a guide for safety reps. Go to: [www.hse.gov.uk/asbestos/repsguide.pdf](http://www.hse.gov.uk/asbestos/repsguide.pdf).

**TUC** webpages on asbestos including news, campaigns, and guidance. Go to: [www.tuc.org.uk/h](http://www.tuc.org.uk/h) and [s/index.cfm?mins=262](http://www.tuc.org.uk/s/index.cfm?mins=262).

**HSE** webpages on asbestos including asbestos awareness campaigns, plus basic and detailed information for you to dip into. Go to: [www.hse.gov.uk/asbestos/index.htm](http://www.hse.gov.uk/asbestos/index.htm).

**Hazards** magazine webpages with various information. Go to: [www.hazards.org/asbestos](http://www.hazards.org/asbestos).

**NHS** webpages on asbestos diseases. Start at: [www.nhs.uk/Conditions/Asbestosis](http://www.nhs.uk/Conditions/Asbestosis) and click on other relevant links.

**Daily Mirror** Asbestos Campaign. Go to: <http://blogs.mirror.co.uk/asbestos-campaign>.