

# **ASBESTOS** **MANAGEMENT POLICY**

TO:	Services Committee
PREPARED BY:	Paul Cowan (Asset Manager)
SUBJECT:	REVIEW OF ASBESTOS MANAGEMENT POLICY
DATE OF MEETING:	28 March 2023
APPROVED BY:	Paul Martin (Director)

PC JB TL/FEB 2023/REF.S1



0141 551 8131



0141 550 2060



admin@milnbank.org.uk



www.milnbank.org.uk



## 1. **INTRODUCTION**

### 1.1 **Asbestos Policy Statement**

As a social landlord and factor Milnbank Housing Association (MHA) have a duty to ensure the health and wellbeing of our tenants, owner occupiers, staff, contractors and all other users from asbestos present in our properties.

The aim of the Policy is to outline how MHA will assess the risk of Asbestos Containing Material ('**ACM**'), determine the presence of ACM's and manage any ACM's that are found. This includes the provision of information to contractors who may be required to undertake work in the proximity of ACMs and customers with ACMs within their home/property or communal close area.

The Control of Asbestos Regulations 2012 came into force on 6 April 2012, updating the previous asbestos regulations. The update took account of the European Commission's view that the UK had failed to implement the EU Directive regulating exposure to asbestos (Directive 20019/148/EC). The changes required within the current legislation are fairly limited. The 2012 Regulations require that some types of non-licensed work containing asbestos now have additional requirements ie. Notification, medical surveillance and record keeping by the licensed contractors. All other requirements, however, remain unchanged.

The regulations also relate to non-domestic properties and communal areas of domestic properties. MHA will, therefore, record all ACM survey and sample information relating to its stock where asbestos is present or may be present within an up-to-date Asbestos Register.

Under Regulation 4 of the 2012 Regulations, MHA has a "duty to manage" any asbestos found or suspected in non-domestic properties ie. Common areas and lockups, and to protect anyone using or working in the premises from the risks to health that exposure to asbestos can cause. The Asbestos Register will be made freely available to both staff and contractors, as a working document.

Any asbestos treatment works requiring to be carried out will be conducted by a licensed contractor, including asbestos removal, all work with sprayed asbestos coatings and asbestos lagging and asbestos insulating board ('**AIB**'). MHA will expect the licensed contractor to determine if the works are licensed or non-licensed. MHA expects its licensed contractor to notify the Health and Safety Executive ('**HSE**') in accordance with the Regulations and will expect any of the licensed contractors acting on its behalf to have in place "effective controls" for non-licensed as well as licensed asbestos works.

## 1.2 **Background**

Asbestos is banned in the United Kingdom due to its carcinogenic properties. Breathing in air containing asbestos can lead to asbestos-related diseases, mainly cancers of the lungs and chest lining. In the past few years, the death rate has climbed to over 4000 and now constitute the biggest single industrial killer in the UK. The number of asbestos related deaths are expected to rapidly increase over the next decade, potentially reaching 7,500 deaths per annum. There is no cure for asbestos-related diseases.

Whilst asbestos is banned in the UK, asbestos containing materials continue to be manufactured in other countries, particularly Eastern European countries. The Association therefore requests any of its contractors to exercise caution in this regard.

There are three main types of asbestos still found in premises. Whilst all are dangerous blue, and brown are more hazardous than white:

- Blue Asbestos (crocidolite)
- Brown Asbestos (amosite)
- White Asbestos (chrysotile)

Whilst it is now illegal to use asbestos in the construction or refurbishment of any premises, many thousand tonnes were used in the past and much of it is still in place. If it is in good condition and is not disturbed or damaged there is no risk. It is understood however, that if disturbed or damaged, it can become a danger to health as asbestos fibres are released into the atmosphere.

There are some key dates which can be used to assess the potential risk of asbestos in properties. These are as follow:

- 1992 – Brown and blue asbestos banned. Properties constructed or refurbished before this date may contain brown, blue or white asbestos.
- 1999 – Asbestos cement products banned (white asbestos). Properties constructed or refurbished between 1985 and 1999 may contain asbestos cement.

The location of asbestos and the risk from materials varies in accordance with the type and condition of the particular material. Some materials are more vulnerable to damage and are more likely to give off fibres than others.

### 1.3 **Scope**

This Policy applies to MHA's staff members and any relevant contractors and outlines their responsibilities with regards to the presence of asbestos in our properties.

The Policy sets out the responsibilities of MHA and its contractors to maintain an Asbestos Register, carry out surveys, continuously record and appropriately investigate ACMs, take action to minimise the risks associated with asbestos and to undertake monitoring on a regular basis.

### 1.4 **Applicable Definitions**

#### Duty Holder

Regulation 4 of the Control of Asbestos Regulations 2012 imposes a duty, on the 'dutyholder', to manage asbestos in non-domestic premises (including communal close areas and lock up's). MHA is a 'duty holder' as defined within Regulation 4. Regulation 4 defines dutyholder as every person who has, by virtue of a contract or tenancy, an obligation in relation to the maintenance or repair of non-domestic premises. The Regulation also defines dutyholder as any person who has control over such non-domestic premises/areas where there is no such contractor or tenancy.

#### Non-Domestic Premises

For the purposes of Regulation 4 of the Control of Asbestos Regulations 2012 (duty to manage asbestos in non-domestic premises), legal precedent has defined 'non-domestic premises' as including common areas of blocks of flats.

#### Reference Documentation

The following reference documents were consulted in the preparation of this policy and procedure: The Control of Asbestos Regulations 2012 – Health and Safety Executive.

## 2. **Legislation**

### **Control of Asbestos Regulations 2012: Preventing and Reducing Exposure**

The Control of Asbestos Regulations 2012 update the previous Regulations and further strengthen requirements to protect workers and others likely to be exposed to asbestos fibres arising from work with ACM. The Control of Asbestos Regulations 2012 is the key piece of legislation, regulating all work concerning ACM. The key objective is to prevent exposure to asbestos arising from work activities and to reduce such exposure where it is not reasonably practical to entirely prevent such.

Regulation 4 places a 'duty to manage' on MHA for all of its non-domestic premises. The duty holder (i.e. the Association) is responsible for identifying, locating and managing asbestos in any non-domestic building. Common areas of domestic buildings however, such as flats owned by MHA, fall within the remit of the law. Therefore, we have a legal obligation to survey and manage asbestos in any common areas.

The majority of duties are placed on employers; however, a dutyholder also includes those in control of non-domestic premises. It may be interpreted however, that as a landlord, MHA is instructing work to contractors whose place of work is the house where the repair is carried out; therefore, there is a duty for rented properties to comply with this legislation.

The requirements placed upon the owners or persons responsible for the maintenance of buildings therefore confers the following duties:

- Identify asbestos in property and assess its condition
- A presumption must be made that materials contain asbestos unless there is evidence that they do not
- Maintain a record of the type, location and condition of ACMs or presumed ACMs in the premises
- Assess the risk that these materials pose
- Plan how that risk will be managed
- Outline steps for putting that plan into action
- Have a review and monitoring process for the plan
- Provide information on the location and risk factor to people likely to be affected by its presence (ie. workers who may disturb the asbestos during maintenance works)

The above information will be identified following asbestos surveys and sampling where required, carried out by a specialist contractor or a fully trained and competent employee.

### **Other Legislation**

In addition to the above MHA also adheres to the following legislation:

- Health and Safety at Work Etc. Act 1974: General Duty on Employers
- Management of Health and Safety at Work Regulations 1999: Risk Assessments
- Construction (Design and Management) Regulations 2015: Construction Work

### 3. **IMPLEMENTATION OF ASBESTOS MANAGEMENT**

This section outlines our objectives, and how we will implement these.

#### 3.1 **Objectives**

Our primary aim is to ensure the health, safety and wellbeing of all persons in our properties that may have ACM. We aim to protect the health, safety and welfare of our tenants, owner occupiers, visitors, staff, contractors and the general public, as far as is reasonably practical.

In order to achieve our primary aim, we have the following objectives:

- Ensure compliance with all current legislation when dealing with asbestos;
- Take all reasonable steps to identify asbestos that is present in our properties and establish effective systems to subsequently manage any associated risks;
- Provide relevant information pertaining to asbestos safety and ensure that dialogue is maintained with customers;
- Work pro-actively in conjunction with contractors;
- Provide staff with appropriate training to ensure the effective implementation of the Policy; and
- Organise the safe removal of any ACMs in the Association's properties that pose a serious risk to health in line with legislation.

#### 3.2 **Implementation**

##### Asbestos Register

The Association has an established Asbestos Register that is monitored and updated regularly, this includes Asbestos Management Survey's for all of MHA's communal close areas for our tenement rental properties. These areas are also checked periodically through Stock Condition Survey's and any suspect materials sampled and updated on the Asbestos Register.

Samples within domestic properties will be undertaken as part of the repairs process and Stock Condition Survey's, when any suspect material is found. The Asbestos Register will also be updated with all asbestos sample results.

It is reasonable to assume that as MHAs older stock was built largely at the same time that asbestos products were used that asbestos may be present in some of this stock.

##### Surveys

There are 2 types of surveys recommended by the HSE. These are as follows:

##### *Management Survey*

A management survey is the standard survey. Its purpose is to locate, as far as reasonably practicable, the presence and extent of any suspect ACMs in the building which could be damaged or disturbed during normal occupancy, including foreseeable maintenance and installation, and to assess their condition.

Management surveys will often involve minor intrusive work and some disturbance. The extent will vary between premises and depend on what is reasonably practicable for individual properties, i.e. it will depend on factors such as the type of building, nature of construction and accessibility etc.

Management surveys can involve a combination of sampling to confirm asbestos is present or presuming asbestos to be present.

Samples from each of the suspect ACM found are collected and analysed to confirm or refute the surveyor's judgement. If the material sampled is found to contain asbestos, other similar homogeneous materials used in the same way in the building can be strongly presumed to contain asbestos.

#### *Refurbishment and Demolition Survey*

This type of survey is used to locate and describe, as far as reasonably practicable, all ACMs in the building and may involve disruptive inspection, as necessary, to gain access to all areas, including those that may be difficult to reach. A full sampling programme is undertaken to identify possible ACMs and estimates of the volume and surface area of ACMs made. The survey is designed to be used as a basis for tendering the removal of ACMs from the building prior to demolition or major refurbishment so the survey does not assess the condition of the asbestos, other than to note areas of damage or where additional asbestos debris may be expected to be at present.

Surveys must be undertaken by suitably qualified personnel and must be undertaken in accordance with guidance HSG 264 Asbestos: The Survey Guide Sampling and Assessment of Asbestos-containing Materials issued by the Health and Safety Executive.

Prior to any survey taking place, MHA will provide as much information as possible on the properties to ensure that the surveyor is fully briefed on the property and the risks that exist.

MHA will ensure that surveys are undertaken to a representative sample of properties throughout its stock and phases. The extent of sampling will take account of recommended guidance current at the time.

Where MHA plans to undertake major repair or refurbishment work, the Asbestos Register must be assessed to identify if sufficient information exists, to establish if properties are asbestos free and no or minimal risk will be involved in the planned activity. Where insufficient evidence is available, surveys will be carried out prior to works proceeding. The Register will be subsequently updated and passed to the contractor prior to works commencing.

### 3.3 **Asbestos Recording and Treatment**

Where asbestos is found within buildings or presumed to arise within buildings, its location and condition must be recorded within the Asbestos Register and its condition monitored on an annual basis.

During void property inspections, the member of the Asset Management Team carrying out the inspection will record on the void sheet if any asbestos containing materials are suspected of being present.

In order to ensure the safety of workmen and residents, the following factors must be recorded and investigated:

- Information gathered on the type, location, amount and condition of the ACM
- An assessment made on the position of the ACM and its likelihood to be disturbed
- How much ACM is present
- Whether there is easy access to the ACM
- Whether people work near the ACM in a way that is liable to disturb it
- If it is close to areas in which people normally work when it is disturbed
- The number of people who use the area where the ACM is located
- If maintenance work, refurbishment or other work on the premises is likely to be carried out, here the ACM is located

All of the above points will be confirmed by the approved surveyor/contractor. The responsibility or the action taken to minimise risk from asbestos is that of MHA, however, advice will be sought from appropriately qualified personnel to ensure that appropriate action is taken. A checklist prepared by the Health and Safety Executive is contained in Appendix 1.

The following will be taken into account as issued by the HSE for guidance only:

- **Asbestos in good condition; and**
  - Not likely to be damaged; and
  - Not likely to be worked on or disturbed

Will be left in place with the condition monitored and managed to ensure any ACMs are not disturbed.



- **Asbestos in poor condition; or**

- Is likely to be damaged; or
- Is likely to be disturbed

A decision on whether it should be repaired, sealed, enclosed or removed will be taken. Specialist advice on the necessary action will be followed.

Where it is decided to leave asbestos in place and manage the situation, the details will be logged in the Register.

Whenever work is undertaken in the area, operatives must be informed the presence of asbestos and a risk assessment of their activities undertaken. If possible, the asbestos material will be labelled for identification purposes. The condition of the material will be monitored at regular intervals and its condition noted on the Register. Tenants/owners will be advised in writing of any future, positive asbestos samples. Contractors should provide Risk Assessments prior to any removal works taking place.

If deterioration is noted, a reassessment of the situation will be made, and appropriate action taken and recorded. Where it is decided that asbestos must be repaired, this will be recorded on the Register noting the appropriate action and date of action. All work to asbestos will be undertaken under strict health and safety guidelines and will only be carried out by operatives who are properly licensed and trained to undertake the work.

Where asbestos must be removed, this should also be recorded on the Register. All removal work will be undertaken under strict health and safety guidelines, again, only by operatives who are licensed and trained. MHA will expect any licensed contractor, acting on its behalf, to ensure that all asbestos material is disposed of in the appropriate manner, adhering to health and safety guidelines. MHA will insist that a removal certificate is received, and a copy recorded within the register.

Where workers or contractor are working in areas where asbestos is located, they will be informed of its presence. MHA will request that the licenced contractors, responsible for removing the asbestos, ensure that the following precautions are taken:

- Provide a risk/method statement prior to carrying out any works;
- Keep everyone out of the area who does not need to be there;
- Take care not to create dust;
- Keep the material wet, whenever possible;
- Wear a suitable respirator and protective clothing; and
- Clean up with a vacuum cleaner, which complies with BS 5415 (Type H)

MHA will stipulate within the contract, and or via formal written correspondence, that licensed contractors responsible for removing the asbestos ensure that they **do not**:

- Break up large pieces of asbestos materials|
- Use high speed power tools as they create high levels of dust
- Expose other workers who are not protected
- Take protective clothing home to wash

The HSE publish guidance on working safely with asbestos, **Asbestos Essentials Task Manual (HSG210), Fourth Edition**. Contractors will be referred to this manual.

#### 4. **MONITORING AND REVIEW**

MHA, via the Asset Management Team, will monitor and review the Asbestos Policy, Register and Management Plan to ensure that the actions taken to protect the public and operatives from the risks posed by asbestos are appropriate.

The Register will be updated on an ongoing basis as identification is made or areas are deemed to be clear of asbestos. Work undertaken near or around areas containing asbestos will also be recorded.

The Asbestos Management Policy will be reviewed 3 years, by the Asset Manager, or sooner if required to reflect any changes in legislation or operational activities.

#### 5. **DATA PROTECTION**

MHA controls the personal information that we collect, this means that we are legally responsible for how we collect, hold and use personal information. It also means that we are required to comply with the General Data Protection Regulations (GDPR) when collecting, holding and using personal information.

## **APPENDIX 1 – CHECKLIST**

### **ASBESTOS CHECKLIST**

- **Find** You must check if materials containing Asbestos are present
- **Condition** You must check what condition the material is in
- **Presume** You must assume the material contains asbestos unless there is strong evidence that it does not
- **Identify** If you are planning to have maintenance of refurbishment of the building carried out or the material is in poor condition, you may wish to arrange for the material to be sampled and identified by a specialist
- **Record** Record the type, location and condition of the material on a plan and update the Asbestos Register
- **Assess** You must decide if the condition or the location means the material is likely to be disturbed
- **Plan** Prepare and implement a plan to manage these risks

<b>Minor Damage</b>	<b>Good Condition</b>
<ul style="list-style-type: none"> <li>▪ The material will be repaired and/or encapsulated</li> <li>▪ The condition of the material will be monitored at regular intervals. Where practical, the material will be labelled</li> <li>▪ Inform the contractor and any other worker likely to work on or disturb the material</li> </ul>	<ul style="list-style-type: none"> <li>▪ The condition of the material will be monitored at regular intervals</li> <li>▪ Where practical the material will be labelled</li> <li>▪ Inform the contractor and any other worker likely to work on or disturb the material</li> </ul>
<b>Poor Condition</b>	<b>Asbestos disturbed</b>
<ul style="list-style-type: none"> <li>▪ Asbestos in poor condition will be removed</li> </ul>	<ul style="list-style-type: none"> <li>▪ Asbestos likely to be disturbed will be removed</li> </ul>