



Unit 2

Control of Asbestos Regulations 2012

Learning Outcomes

By the end of this unit the learner will be able to:

- ✓ Understand by most important aspects of the Control of Asbestos Regulations 2012
- ✓ Differentiate between licensable and non-licensed work with asbestos
- ✓ Ensure activities involving asbestos removal are reported to the appropriate authority

Unit 2

Control of Asbestos Regulations 2012

The Control of Asbestos Regulations 2012 came into force on 6 April 2012, updating previous asbestos regulations to take account of the European Commission's view that the UK had not fully implemented the EU Directive on exposure to asbestos (Directive 2009/148/EC).

In practice the changes are fairly limited. They mean that some types of non-licensed work with asbestos now have additional requirements, ie notification of work, medical surveillance and record keeping.

All other Requirements Remain Unchanged.

Requirements that stayed the same

- If existing asbestos containing materials are in good condition and are not likely to be damaged, they may be left in place; their condition monitored and managed to ensure they are not disturbed.
- If you're responsible for maintenance of non-domestic premises, you have a 'duty to manage' the asbestos in them, to protect anyone using or working in the premises from the risks to health that exposure to asbestos causes.
- If you want to do any building or maintenance work in premises, or on plant or equipment that might contain asbestos, you need to identify where it is and its type and condition; assess the risks, and manage and control these risks.
- The requirements for licensed work remain the same: in the majority of cases, work with asbestos needs to be done by a licensed contractor. This work includes most asbestos removal, all work with sprayed asbestos coatings and asbestos lagging and most work with asbestos insulation and asbestos insulating board (AIB).
- If you are carrying out non-licensed asbestos work, this still requires effective controls.
- The control limit for asbestos is 0.1 asbestos fibres per cubic centimetre of air (0.1 f/cm³). The control limit is not a 'safe' level and exposure from work activities involving asbestos must be reduced to as far below the control limit as possible.
- Training is mandatory for anyone liable to be exposed to asbestos fibres at work. This includes maintenance workers and others who may come into contact with or disturb asbestos (eg cable installers), as well as those involved in asbestos removal work.

Requirements that changed

- From 6 April 2012, some non-licensed work needs to be notified to the relevant enforcing authority.
- From 6 April 2012, brief written records should be kept of non-licensed work, which has to be notified eg copy of the notification with a list of workers on the job, plus the level of likely exposure of those workers to asbestos. This does not require air monitoring on every

job, if an estimate of degree of exposure can be made based on experience of similar past tasks or published guidance.

- By April 2015, all workers/self-employed doing notifiable non-licensed work with asbestos must be under health surveillance by a Doctor. Workers who are already under health surveillance for licensed work need not have another medical examination for non-licensed work. BUT medicals for notifiable non-licensed work are not acceptable for those doing licensed work.
- Some modernisation of language and changes to reflect other legislation, eg the prohibition section has been removed, as the prohibition of supply and use of asbestos is now covered by REACH (Registration, Evaluation, Authorisation and Restriction of Chemicals Regulations 2006)

Licensable Work with Asbestos

Most higher-risk work with asbestos must only be done by a licensed contractor. Licensable work with asbestos is work:

- where worker exposure to asbestos is not sporadic and of low intensity; or
- where the risk assessment cannot clearly demonstrate that the control limit will not be exceeded ie 0.1 asbestos fibres per cubic centimetre of air (0.1 f/cm³) (averaged over a four hour period); or
- on asbestos coating; or
- on asbestos insulation or asbestos insulating board where the risk assessment demonstrates that the work is not short duration work, eg when work with these materials will take no more than two hours in any seven day period, and no one person works for more than one hour in that two hour period.

Some examples on what types of work are considered to be licensable can be found in the table below, but any decision on whether a particular work activity is licensable or not will need to be based on the risk.

Examples of Licensable Work

- removing sprayed coatings (limpet asbestos)
- removal or other work which may disturb pipe lagging
- any work involving loose fill insulation
- work on asbestos millboard
- cleaning up significant quantities of loose/fine debris containing ACM dust (where the work is not sporadic and of low intensity, the control limit will be exceeded or it is not short duration work)
- work on AIB, where the risk assessment indicates that it will not be of short duration

Examples of Notifiable Non-Licensed Work (NNLW) with Asbestos

Removal of:

- asbestos cement products (eg roof sheeting) where the material will be substantially damaged or broken up (eg as a result of fire or flood damage)
- asbestos cement products (eg roof sheeting) where the material will be substantially broken up, creating significant quantities of dust and debris (eg 'dropping' an asbestos cement roof)
- Removal of asbestos paper and cardboard products if not firmly bonded in a matrix

Other Work:

- on large-scale removal of textured decorative coatings using steaming or gelling methods (eg beyond that required for maintenance activities such as installation/replacement of smoke alarms and fittings)
- minor, short duration work to remove asbestos insulating board as part of a refurbishment project
- minor short duration work involving asbestos insulation eg repairing minor damage to a small section of pipe insulation where the exterior coating has been broken or damaged

Examples of Non-Licensed Work with Asbestos

- Cleaning up small quantities of loose/ fine debris containing ACM dust (where the work is sporadic and of low intensity, the control limit will not be exceeded and it is short duration work)
- Drilling of textured decorative coatings for installation of fixtures/fittings
- Encapsulation and sealing-in work on asbestos-containing materials (ACMs) that are in good condition

Maintenance Work Involving:

- asbestos cement products (eg on roof sheeting, tiles and rainwater goods)
- asbestos in ropes, yarns and woven cloth
- asbestos gaskets or asbestos rope cords (including removal as part of repair and upkeep of equipment) if this can be done without substantial breakage
- asbestos-containing thermoplastic and vinyl floor tiles, bitumen roof felt, shingles, damp-proofing coatings, and mastics
- asbestos-containing felt and paper
- plastic paint coatings, PVC floors, panels and sealing compounds
- asbestos-containing conveyor belts/drive belts, bonded rubber, electric cables
- resin-based ACMs such as friction products (eg brake linings)
- painting/repainting AIB that is in good condition

Removal of:

- asbestos cement products, (eg roof sheeting and rainwater goods) provided the material is carefully handled/removed without breaking up; this includes work with asbestos cement which is weathered but not otherwise substantially damaged
- small areas of textured decorative coatings using suitable dust-reducing methods, to support other activities such as installation/replacement of smoke alarms and light fittings
- textured decorative coatings provided that this can be done without deterioration of the material, (eg if the backing board is carefully cut around to achieve virtually intact removal)
- loosely fixed (eg screwed) asbestos insulating board (AIB) panels in order to gain access to areas for other maintenance activities (eg under a bath to carry out pipework maintenance, or for access to a ceiling void for repair of lighting). This also includes re-attaching the panels after the work is done
- an AIB door with asbestos fire proofing

Short Duration Work:

- to repair minor damage to AIB
- involving drilling holes in AIB (eg when installing shelving)

Other Work:

- on other materials containing asbestos (such as paints, bitumen, resins, rubber, etc) where the fibres are bound in a matrix which prevents most of them being released (this includes, typically, aged/weathered AC)
 - associated with collecting and analysing samples to identify the presence of asbestos
- Further examples of non-licensed work are available in Asbestos Essentials.

If the activity is licensable, you will require a licence if you are working with asbestos as an 'asbestos contractor' on someone else's premises, or within your own premises using your own employees.

A licence may include conditions requiring the licence holder to achieve specific objectives or restrict the licence holder to specific work. For example:

- For an ancillary task such as scaffolding where the work is licensable;
- Maintaining air extraction equipment where the work is licensable;
- Supervisory work with asbestos where the work is licensable.

All licensable work must be notified to the appropriate enforcing authority using the ASB5 form at least 14 days before the work starts.

Type of Premises/Activity	Enforcing Authority
Shops, offices, separate catering services, launderettes, sport, entertainment and recreational activities, exhibitions, church or religious meetings, hotels, camping and caravan sites, wholesale and retail storage	LA (Local Authority)
Factories and factory offices, civil engineering, construction and demolition sites, hospitals, research and development establishments, local government services and educational establishments, fairgrounds, radio, television and film broadcasting, sea going ships, docks, transport undertakings, domestic premises, quarries, farms (and associated activities), horticultural premises and forestries, mines /quarries and offshore installations, licensed nuclear sites	HSE (Health & Safety Executive)
Railways, railway lines, signal boxes	ORR (Office of Rail and Road)

Enforcing Authority to Notify Based on the Type of Premises/Activity

For both licensable and non-licensable work you will still need to make sure that you comply with the general requirements in the Control of Asbestos Regulations 2012 to prevent exposure to asbestos.

Further Reading:

- ✓ Managing and Working with Asbestos: Control of Asbestos Regulations 2012. Approved Code of Practice and Guidance by Health and Safety Executive (19-Dec-2013)
- ✓ Illustrated Practical Asbestos: For Consultants, Contractors, Property Managers & Regulators Paperback – June 9, 2021 by F. Stephen Masek Asbestos 2nd Edition