



## Unit 5 Managing Asbestos in Buildings

### Learning Outcomes

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

- ✓ Discuss why it is essential to take a proactive approach to asbestos management
- ✓ Understand who is at the highest risk of health and safety issues due to asbestos exposure
- ✓ Identify the most likely places in a building asbestos-containing materials may be found

## Unit 5

### Managing Asbestos in Buildings

#### Why Manage Asbestos?

Breathing in air containing asbestos fibres can lead to asbestos-related diseases, mainly cancers of the lungs and chest lining. Asbestos is only a risk to health if asbestos fibres are released into the air and breathed in. Past exposure to asbestos currently kills around 4500 people a year in Great Britain. Workers who carry out building maintenance and repair are particularly at risk.

There is usually a long delay between first exposure to asbestos and the onset of disease. This can vary from 15 to 60 years. Only by preventing or minimising these exposures now can asbestos-related disease eventually be reduced.

It is now illegal to use asbestos in the construction or refurbishment of any premises, but many thousands of tonnes of it were used in the past and much of it is still in place. There are three main types of asbestos that can still be found in premises, commonly called 'blue asbestos' (crocidolite), 'brown asbestos' (amosite) and 'white asbestos' (chrysotile). All of them are dangerous carcinogens, but blue and brown asbestos are more hazardous than white. Despite their names, you cannot identify them just by their colour.

Any buildings built or refurbished before the year 2000 may contain asbestos. As long as the asbestos-containing material (ACM) is in good condition, and is not being or going to be disturbed or damaged, there is negligible risk. But if it is disturbed or damaged, it can become a danger to health, because people may breathe in any asbestos fibres released into the air.

#### Who is at Risk?

The more asbestos fibres breathed in, the greater the risk to health. Therefore, workers who may be exposed to asbestos when carrying out maintenance and repair jobs are at particular risk. Such workers include:

- Construction and demolition contractors, roofers, electricians, painters and decorators, joiners, plumbers, gas fitters, plasterers, shop fitters, heating and ventilation engineers, and surveyors;
- Anyone dealing with electronics, eg phone and IT engineers, and alarm installers;
- General maintenance engineers and others who work on the fabric of a building.

If asbestos is present and can be readily disturbed, is in poor condition and not managed properly, others who may be occupying the premises could be put at risk.

#### Where is Asbestos found in Buildings?

Asbestos was used in many parts of buildings, below is a sample of uses and locations where asbestos can be found:

Asbestos Product	What it was used for
Sprayed asbestos (limpet)	Fire protection in ducts and to structural steel work, fire breaks in ceiling voids etc.
Lagging	Thermal insulation of pipes and boilers
Asbestos insulating boards (AIB)	Fire protection, thermal insulation, wall partitions, ducts, soffits, ceiling and wall panels
Asbestos cement products, flat or corrugated sheets	Roofing and wall cladding, gutters, rainwater pipes, water tanks
Certain textured coatings	Decorative plasters, paints
Bitumen or vinyl materials	Roofing felt, floor and ceiling tiles

Some ACMs are more vulnerable to damage and more likely to give off fibres than others. In general, materials that contain a high percentage of asbestos are more easily damaged. The table above is roughly in order of ease of fibre release (with the highest potential fibre release first). Sprayed coatings, lagging and insulating board are more likely to contain blue or brown asbestos.

Asbestos insulation and lagging can contain up to 85% asbestos and are most likely to give off fibres. Work with AIB can result in equally high fibre release if power tools are used. On the other hand, asbestos cement contains only 10–15% asbestos. The asbestos is tightly bound into the cement and the material will only give off fibres if it is badly damaged or broken, or is worked on (eg drilled, cut etc).

**High Risk Materials**



Asbestos pipe lagging



Asbestos insulating board (AIB)

Perforated AIB ceiling tiles



Door with AIB panel



### Normally Lower Risk Materials



Asbestos cement wall cladding

Asbestos-containing floor tiles

## What does the duty to manage asbestos involve?

The duty to manage asbestos is included in the Control of Asbestos Regulations 2012. The duty requires you to manage the risk from asbestos by:

- Finding out if there is asbestos in the premises (or assessing if ACMs are liable to be present and making a presumption that materials contain asbestos, unless you have strong evidence that they do not), its location and what condition it is in;
- Making and keeping an up-to-date record of the location and condition of the ACMs or presumed ACMs in your premises;
- Assessing the risk from the material;
- Preparing a plan that sets out in detail how you are going to manage the risk from this material;
- Taking the steps needed to put your plan into action;
- Reviewing and monitoring your plan and the arrangements made to put it in place; and
- Setting up a system for providing information on the location and condition of the material to anyone who is liable to work on or disturb it.

## Who has the duty?

The duty holder is the owner of the non-domestic premises or the person or organisation that has clear responsibility for the maintenance or repair of non-domestic premises, for example through an explicit agreement such as a tenancy agreement or contract.

The extent of the duty will depend on the nature of that agreement. In a building occupied by one leaseholder, the agreement might be for either the owner or leaseholder to take on the full duty for the whole building; or it might be to share the duty. In a multi-occupied building, the agreement might be that the owner takes on the full duty for the whole building. Or it might be that the duty is shared - for example, the owner takes responsibility for the common parts while the leaseholders take responsibility for the parts they occupy. Sometimes, there might be an agreement to pass the responsibilities to a managing agent.

In some cases, there may be no tenancy agreement or contract. Or, if there is, it may not specify who has responsibility for the maintenance or repair of non-domestic premises. In these cases, or where the premises are unoccupied, the duty is placed on whoever has control of the premises, or part of the premises. Often this will be the owner.

In public buildings, such as hospitals, schools and similar premises, the identity of the duty holder will depend on how the responsibility for maintenance of the premises is allocated. For example, for most schools, the duty holder will be the employer. Who the employer is varies with the type of school. For local authority managed schools, eg community schools and voluntary-controlled schools, the employer is the local authority. For voluntary-aided and foundation schools, it will be the school governors, and for academy and Free Schools, the academy trust will be the employer. For independent and fee-paying schools, it may be the proprietor, governors or trustees. Budgets for repair and maintenance of school buildings are sometimes delegated to schools by a local authority. In such cases, the duty to manage asbestos is shared between schools and the local authority.

<b>Responsibility for premises</b>	<b>Who has the duty to manage under regulation 4?</b>
The owner has sole responsibility for the premises or has sole responsibility for the common parts of multi-occupied buildings.	The owner.
Under a tenancy agreement or contract, tenants (including employers or occupiers) are responsible for alterations, repairs and maintenance.	The tenant or tenants in multi-occupancy premises.
Under a tenancy agreement or contract, the owner keeps responsibility for maintenance	The owner.

and repairs, and the owner has control of access by maintenance workers into the building.	
Under a tenancy agreement or contract, responsibility is shared between several people, eg owners, sub-lessors, occupiers and employers.	Each party - for those parts of the premises for which they have maintenance responsibilities. Note that employers occupying the premises also have a general duty of co-operation to comply with the requirement of any health and safety regulations under regulation 11 of the Management of Health and Safety Regulations 1999.
If an owner/leaseholder uses a managing agent.	The owner. The managing agent would act on behalf of the owner but does not assume the owners duties in law. The ultimate responsibility remains with the owner.
There is no tenancy agreement or contract.	The person in control of the premises.
The premises are unoccupied	The person in control of the premises.

### **Tenancy Arrangements and how Responsibilities may be Allocated or Shared**

#### **What Premises are affected?**

The duty to manage covers all non-domestic premises. Such premises include all industrial, commercial or public buildings such as factories, warehouses, offices, shops, hospitals and schools.

Non-domestic premises also include those 'common' areas of certain domestic premises, such as purpose-built flats or houses converted into flats. The common areas of these premises include foyers, corridors, lifts and lift-shafts, staircases, roof spaces, gardens, yards, outhouses and garages - but would not include the individual flats themselves. Common areas do not include rooms within a private residence that are shared by more than one household, such as bathrooms, kitchens etc. in shared houses and communal dining rooms and lounges in sheltered accommodation.

Type of Residence	Type of occupation	Rooms or parts	Duty to manage applies?
Private house – single dwelling, including bed-sits.	Owner occupier	All	No
	Let to single family	All	No
	Occupied by more than one family	Private rooms, eg bedroom, living room	No
		Shared rooms, eg kitchen, bathroom, lavatory	No
	Rooms let to lodgers	Common parts for access and circulation, eg entrance hall, staircase	No
Private rooms		No	
House converted into flats	Occupied by more than one family	Private rooms	No
		Common parts for access, circulation and storage, eg entrance hall, staircase, roof space.	Yes
Garages, parking spaces	Integral to, or linked with residence	Private	No
	Not allocated to any specific person	Common parts – for access and circulation.	Yes
Block of flats	Occupied by more than one family	Individual flats	No
		Common parts, eg foyer, lift, stairs, lobby, boiler and plant room, roof space, communal yard, garden, store rooms, bike	Yes

		shelter, and external outbuilding.	
Flats over a shop or office, with or without a separate entrance.	Occupied by the shop or office owner	Private rooms	No
	Leased separately	Private rooms	No
		Access and circulation areas.	Yes
Sheltered accommodation		Private rooms	No
		Common rooms, eg dining room, lounge.	No
		Work areas, eg kitchen, staff room, laundry.	Yes
		Common parts, eg foyer, lift, stairs, circulation areas, boiler room, store rooms, roof space, external outbuilding.	Yes
Hotel, pubs, guest house, hall of residence, hostel (private and local authority), care home.	Includes bed and breakfast, if that is the main purpose	Private rooms occupied by the owner.	No
		Guest accommodation and common parts, (eg foyer, lift, stairs, circulation areas), store rooms, roof space, outbuildings.	Yes
Tied cottage/accommodation	Leased or rent-free	All	No
Farm	Leased or rent-free	Farmhouse	No
		Farm buildings	Yes

## **Common parts of domestic premises and how the duty to manage applies**

### **How do duty holders comply?**

There are four essential steps:

1. Find out whether the premises contains asbestos, and, if so, where it is and what condition it is in. If in doubt, materials must be presumed to contain asbestos
2. Assess the risk from asbestos present in the premises
3. Make a plan to manage that risk and act on it
4. Provide this information to other employers (eg building contractors) who are likely to disturb any asbestos present, so that they can put in place appropriate control while the work is being done.

Here are some basic principles to consider when managing asbestos:

- Asbestos is only dangerous when disturbed. If it is safely managed and contained, it doesn't present a health hazard
- Don't remove asbestos unnecessarily - removing it can be more dangerous than leaving it in place and managing it
- Not all asbestos materials present the same risk. The measures that need to be taken for controlling the risks from materials such as pipe insulation are different from those needed in relation to asbestos cement
- If you are unsure about whether certain materials contain asbestos, you should presume they do and treat them as such
- Remember that the duty to manage is all about putting in place the practical steps necessary to protect maintenance workers and others from the risk of exposure to asbestos fibres - it is not about removing all asbestos

### **Do I need a licensed contractor to remove/work on asbestos in my premises?**

If ACMs need to be sealed, encapsulated or removed, remember you will need to employ a licensed contractor if the materials are high risk (eg pipe insulation and asbestos insulating panels). If the materials are lower risk (eg asbestos cement sheets and roofing) then an unlicensed but competent contractor may carry out this work. Further details on non-licensed work with asbestos is available online.

**Further Reading:**

- ✓ Asbestos Standard for the Construction Industry and Lead in Construction (Environmental Statutes) by Occupational Safety and Health Administration ,2008
- ✓ Management of Asbestos in the Construction Industry: The hidden killer 'Asbestos' - a widely used material and its related sickness Paperback – October 22, 2012 by Chris Nat-Ndede