



RISK MANAGEMENT GUIDE

ASBESTOS – PROPERTY OWNERS

What does the law require of me?

The Control of Asbestos at Work Regulations 2002 apply to anyone with a responsibility for maintenance (the duty-holder) in non-domestic buildings and requires them to pro-actively manage the asbestos risk within buildings they control.

You are not required to remove asbestos containing materials (ACMs) but your duties are to ensure that

- ACMs are located and identified within buildings.
- Their condition and the likelihood of them being disturbed is assessed.
- Action is taken to manage the risk and prevent persons being exposed to breathing in harmful fibres.

Am I a duty-holder?

You will be a duty-holder or joint duty-holder if you fall into any of the following categories

- If you own the building or
- The lease makes you responsible for its maintenance, repair or alteration - either for the whole building or just the part you occupy.

Duty-holders can be employers, occupiers, tenants, landlords and managing agents and be either solely or jointly responsible for co-operating to ensure the duty is discharged.

What do duty-holders have to do?

Your duties are to carry out the following

- Locate and determine the location and condition of ACMs
- Presume materials contain asbestos unless there is strong evidence they do not
- Make and keep an up to date record of all materials falling into the above categories
- Assess the risk of anyone being exposed to fibres from these materials
- Prepare a plan (see below) of how you will control the risks from these materials
- Take the necessary steps to put the plan into action
- Review and monitor the plan periodically
- Provide information on the location and condition of the materials to anyone who is likely to work on them or disturb them.

What should my plan cover?

There are 6 steps in the ideal plan and these are set out briefly below – a fuller explanation can be found at www.managerisk.royalsun.co.uk under Health and Safety.

Step 1 – Decide if ACMs are likely to be present in your building

This may involve looking at the building plans and consulting the architect – if your building was constructed from 2000 onwards there should be no ACMs present. They can be present in many guises e.g. ceiling and floor tiles, pipe insulation, rainwater down-pipes and gutters are common examples.

Always assume a material contains ACMs unless you have strong evidence to the contrary. Where any doubt exists get a competent building surveyor to examine the inside and outside of your buildings to identify any materials that are or may contain asbestos.

Step 2 – Locate and assess ACM condition

It is prudent to delegate this task to an expert who is suitably trained, experienced and carries adequate insurance cover. The ability to carry out asbestos surveys, take samples and test them is what is required. They should operate to externally vetted quality assurance standards.

There are three types of survey that may be carried out

- **Location and Assessment Survey** – will only give an indication of the potential problem and is usually used as a pre-purchase survey.
- **Standard Sampling, Identification and Assessment Survey** – the sampling aspect ensures that any suspect material is conclusively identified. The sampling may cause damage to decorative finishes but this is the most common and meaningful survey for occupied buildings.
- **Full Access Sampling, Identification and Assessment Survey** – this survey is generally only used where buildings are being refurbished or demolished.

In the first two survey types only, the surveyor can also (on request) assess the risk to the occupants in line with Health and Safety Executive guidelines.

Step 3 – Record where ACMs and presumed ACMs are and their condition

This is merely recording the findings of Steps 1 and 2 and could take the form of a written report or annotated drawing. Both should cover the location, type (if known), its form, the amount and its condition.

Step 4 – Assess and prioritise the potential risks from ACMs

As some ACMs are more susceptible to damage than others, you need to assess the likelihood of identified ACMs being disturbed. The following should determine the level of priority

- The type of ACM and its extent
- Imminence of work on it
- Number of people likely to be affected

Step 5 – Prepare an Action Plan

Your plan should set out how each identified hazard will be tackled and include time-scales where action is proposed. Where ACMs are being left in place you should alert tenants, occupiers and contractors of their presence and location. It is also sensible to label the areas as an extra reminder.

Step 6 – Monitor and review the effectiveness of the plan

You will need to ensure that planned actions are actually being tackled – particularly those identified as high priority. Ensure that controls applied are actually working and adjust them if they are not.

The plan will need to be reviewed if you make significant changes that affect these arrangements and will need regular view as long as you are the duty-holder.

Choosing professional help

These guidelines are designed to assist you in getting the right professional help.

Surveyors – use specialist surveyors qualified in asbestos work, particularly where intrusive inspection, testing and sampling work is involved. Ensure they have adequate Public Liability, Employers' Liability and Professional Indemnity Insurance before engaging them.

Contractors – only contractors specialising in asbestos work should be used to carry out removal, repair and transport of known ACMs. Ensure they have adequate Public Liability and Employers' Liability Insurance before engaging them.

Where can I get more information?

The Health and Safety Executive web-site has a special area devoted to asbestos risks – visit them on www.hse.gov.uk/asbestos to download free literature and find details of other relevant material.

HSE priced and free publications can also be obtained from

HSE Books
PO Box 1999
Sudbury
Suffolk
CO10 2WA

Telephone 01787 881 165

IMPORTANT

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