

Who is this guidance for?

If you own, occupy, manage or have responsibilities for non-domestic premises which may contain asbestos, you will either have:

- a legal duty to manage the risk from this material; or
- a duty to co-operate with whoever manages that risk.

If you have information on the whereabouts of asbestos you will, under the duty of co-operation, be required to make this available to those responsible for managing these risks.

This guidance will also be of help to you if you are managing asbestos in domestic premises.

It will help you decide how to identify, assess and manage any asbestos-containing materials (ACMs) on your premises. A good strategy to manage these materials will help you prevent risk to workers or others who may use the premises.

The guidance (previously called *Managing asbestos in premises*) will be particularly useful if you have small or less complex premises such as a shop or a farm building. If you have complex and/or many buildings to manage, you may find that *A comprehensive guide to managing asbestos (HSG227)* will provide the more detailed advice that you need.

Why is asbestos dangerous?

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 3000 people a year in Great Britain. This number is expected to go on rising for the next ten years. There is no cure for asbestos-related diseases.

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 will asbestos-related disease eventually be wiped out.

There are three main types of asbestos still found in premises. These are commonly called 'blue asbestos' (crocidolite), 'brown asbestos' (amosite) and 'white asbestos' (chrysotile). All of them are dangerous, but blue and brown asbestos are more hazardous than white. You cannot identify them just by their colour.

Although it is now illegal to use asbestos in the construction or refurbishment of any premises, many thousands of tonnes of it were used in the past and much of it is still in place. As long as it is in good condition and is not being or going to be disturbed or damaged there is no risk. But if it is disturbed or damaged, it can become a danger to health, because asbestos fibres are released into the air and people can breathe them in.

Who is at risk?

Anyone who uses your premises, who disturbs asbestos that has deteriorated or been damaged and is releasing fibres, can be at risk. In fact, anyone whose work involves drilling, sawing or cutting into the fabric of premises could potentially be at risk. They may all breathe in asbestos fibres during their day-to-day work.

It is now thought possible that repeated low exposures, such as those which could occur during routine repair work, may also lead to cancers.

The scientific evidence on exactly what exposures cause disease is unclear. **But we do know the more asbestos fibres breathed in, the greater the risk to health.** That is why it is important that ACMs are identified and that everyone who works with them should take appropriate precautions.

Where is asbestos found in buildings?

Some ACMs are more vulnerable to damage and more likely to give off fibres than others. In general, the materials which contain a high percentage of asbestos are more easily damaged. The list below 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 asbestos insulating board 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.

You are most likely to come across asbestos in these materials:

- sprayed asbestos and asbestos loose packing - generally used as fire breaks in ceiling voids;
- moulded or preformed lagging - generally used in thermal insulation of pipes and boilers;
- sprayed asbestos - generally used as fire protection in ducts, firebreaks, panels, partitions, soffit boards, ceiling panels and around structural steel work;
- insulating boards used for fire protection, thermal insulation, partitioning and ducts;
- some ceiling tiles;
- millboard, paper and paper products used for insulation of electrical equipment. Asbestos paper has also been used as a fire-proof facing on wood fibreboard;
- asbestos cement products, which can be fully or semi-compressed into flat or corrugated sheets. Corrugated sheets are largely used

as roofing and wall cladding. Other asbestos cement products include gutters, rainwater pipes and water tanks;

- certain textured coatings;
- bitumen roofing material; and
- vinyl or thermoplastic floor tiles.

High risk materials



Asbestos pipe lagging



Damaged AIB



Perforated AIB ceiling tiles



Door with AIB panel

Normally low risk materials



Asbestos cement roof



Asbestos-containing floor tiles

Remember, although these are the most likely uses and places where asbestos will be found, asbestos was used in many other materials. If you are in doubt, it is safer to presume that a material contains asbestos, unless there is strong evidence that it does not.

What is new about the duty to manage asbestos?

A new duty to manage asbestos has been added to the Control of Asbestos at Work Regulations. It will apply to you if you have maintenance and repair responsibilities for non-domestic premises either through a contract or tenancy agreement or because you own the premises. The duty will require you to manage the risk from asbestos by:

- finding out if there is asbestos in the premises, its amount and what condition it is in;
- presuming materials contain asbestos, unless you have strong evidence that they do not;
- making and keeping up to date a 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
- providing information on the location and condition of the material to anyone who is liable to work on or disturb it.

Anyone who has information on the whereabouts of asbestos in your premises is required to make this available to you as the dutyholder. Those who are not dutyholders, but control access to the premises, would have to co-operate with you in managing the asbestos.

How can you comply with the new duty?

This section tells you what is required to comply with the new duty. There is a checklist setting out the whole process of managing the risk from asbestos on page 17. You can use this to check that you are taking the right steps.

Although you may appoint a competent person to carry out all or part of the work to meet the requirements of this new duty, you will have to be involved in the final assessment of the potential risk. In particular, it is you who will know how the premises are used and what disturbance is likely to occur. The section 'Assess the potential risk from the ACMs' provides advice on doing this.

But remember, the responsibility for complying with the new duty to manage the potential risk remains yours.

Find out if asbestos is present

ACMs may be present if the building was constructed or refurbished before blue and brown asbestos were banned in 1985. In some cases ACMs, such as asbestos cement, were used up until 1999. You need to do all that you reasonably can to find them by:

- looking at building plans and any other relevant information, such as builders' invoices, which may tell you if and where asbestos was used in the construction or refurbishment of the premises;

- carrying out a thorough inspection of the premises both inside and out to identify materials that are or may be asbestos; and
- consulting others, such as the architects, employees or safety representatives, who may be able to provide you with more information and who have a duty of co-operation to make this available.

If the age of the building or the information you obtain provide strong evidence that no ACMs are present, then you do not need to do anything other than to record why this evidence indicates there is no asbestos present.

Presume the material is asbestos

You should always presume any material contains asbestos unless there is strong evidence to suggest it does not. Some material obviously does not contain asbestos such as glass, solid wooden doors, floorboards, bricks and stone. The building plans may provide evidence that other materials were used.

If you have any doubts about any of the material in your premises you must presume it contains asbestos.

Survey and sample for asbestos

In some cases, where you have no maintenance work planned and/or the premises are small, it may be appropriate for you to carry out your own inspection. However, you may choose to employ a suitably trained person to do a survey of the premises to identify ACMs, particularly if you are planning maintenance or refurbishment of the premises. They may also be able to advise you on what you need to do and what to include in your management plan. You should ask the person or organisation:

- for evidence of their training and experience in such work;
- whether they are going to carry out the survey in accordance with the HSE guidance MDHS100 *Surveying, sampling and assessment of asbestos-containing materials*; and
- for evidence that they have suitable liability insurance.

You may also need samples of materials analysed, that you suspect might contain asbestos. Often, this is the only certain way of identifying

if a material does contain asbestos. Samples should only be taken by suitably trained people.

Do not break or damage any material which may contain asbestos to try to identify it.

The United Kingdom Accreditation Service (UKAS) has developed an accreditation scheme for organisations which do asbestos surveys. UKAS already has a separate accreditation scheme for sampling and analysis of asbestos in materials. An accredited company is likely to employ suitably trained people for these types of work. But you should check what the firm is accredited for, as some will only be qualified to do surveys and take samples and others only to analyse samples (the UKAS website address is: www.ukas.com).

A number of organisations are proposing to develop accredited personnel certification schemes for individuals who undertake asbestos surveys including the Asbestos Building Inspectors Certification Scheme, the Asbestos Control and Abatement Division, the Asbestos Removal Contractors Association and the Royal Institution of Chartered Surveyors. Their addresses are on page 19.

Personnel certification schemes do not necessarily look at the quality of the procedures and systems used by the whole organisation, whereas the UKAS accreditation scheme will have assessed these.

Surveys should be undertaken by competent people, for example laboratory analysts, suitably trained building surveyors or specialist asbestos removal contractors, with the appropriate accreditation/certification. Firms are generally listed in Yellow Pages and other business directories. Those who look at samples are listed under 'laboratories' or 'analytical research chemists'. Alternatively, you can ring UKAS on 020 8917 8400 or e-mail them at info@ukas.com for information on accredited organisations.

The survey will have identified what type of ACMs are present and where they are. There are two further stages to consider before you can fully develop your risk assessment - what condition are the ACMs in and are they being disturbed or likely to be disturbed?

Assess the condition of any ACMs

The type of ACM, the amount of it and its condition will determine its potential to release asbestos fibres into the air, if disturbed. The condition of ACMs can be considered by addressing a series of questions:

- Is the surface of the material damaged, frayed or scratched?
- Are the surface sealants peeling or breaking off?
- Is the material becoming detached from its base? (this is a particular problem with pipe and boiler lagging and sprayed coatings)
- Are protective coverings, designed to protect the material, missing or damaged?
- Is there asbestos dust or debris from damage near the material?

If the asbestos-containing materials in your premises are in poor condition you will have to arrange repairs or have them sealed, enclosed or removed.

Record where the asbestos or presumed asbestos is and its condition

You need to prepare a drawing or some other record which shows where the asbestos or presumed asbestos is, the type if known, its form, its amount and what condition it is in. The drawing should be simple, clear and always available at the premises so that you, or any other person that needs to know where the ACMs are, can easily find them. If it is stored electronically via the Internet or on a PC database, it can be easier to update.

There may be some areas of the premises which you cannot look at, such as in roofs and heating ducts and behind ceiling tiles and wall partitions. You should note these on your drawing and presume ACMs may be present, unless you have strong evidence for thinking this is highly unlikely.

Assess the potential risk from the ACMs

You must assess whether the ACMs are being or are likely to be disturbed. Usually disturbance is created by people working on or near

the ACMs. You will then need to assess the likelihood of each ACM being disturbed to decide what action to take to manage and control the potential risks. To do this you will need to consider the following factors:

- the information gathered on the location, amount and condition of the ACM;
- if the ACM is in a position where it is likely 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 numbers of people who use the area where the ACM is; and
- if maintenance work, refurbishment or other work on the premises is likely to be carried out where the ACM is.

You will need to prepare and implement a plan to manage these risks.

Decide what to do

Asbestos in good condition

If the asbestos is:

- in good condition; and
- is not likely to be damaged; and
- is not likely to be worked on or disturbed;

it is usually safer to leave it in place and manage it.

Asbestos in poor condition

If the asbestos is in poor condition or is likely to be damaged or disturbed you will need to decide whether it should be repaired, sealed, enclosed or removed. If you are unsure of the condition of the asbestos and cannot decide what action to take, seek specialist advice from either an asbestos surveyor, a laboratory or a licensed contractor.

Take appropriate action

Managing asbestos left in place

If you decide to leave in place ACMs or presumed ACMs that are in good condition, make a note of where they are on your drawing or other records and keep this information up to date. Setting up a register of the location and condition of ACMs in buildings is a good idea, but be aware that some hidden asbestos may also be present.



You must make sure that everyone who needs to know about the asbestos is effectively alerted to its presence. You can label ACMs clearly with the asbestos warning sign (above right), or use some other warning system (for example colour coding). If you decide not to label the asbestos, you need to make sure that those who might work on the material know that it contains or may contain asbestos.

You will need to introduce a method that will ensure anyone who comes to carry out work on the premises does not start before they are given the relevant information on any asbestos present. For example, a permit-to-work system, where you control access to the premises and only allow people in with a permit, would be one suitable method. This means that no one is allowed to work on the premises, unless they have a permit from you or a nominated employee, so you know what they are working on and where to prevent asbestos being accidentally disturbed.

It can save time and prevent confusion if you make a note of the location of non-asbestos material which could be mistaken for asbestos.

Repair and removal

Some damaged asbestos can be made safe by repairing it and either sealing or enclosing it to prevent further damage. If this can be done safely, mark the area after it has been repaired and make sure it is on your list of asbestos locations (see 'Record where the asbestos or presumed asbestos is and its condition').

If asbestos is likely to be disturbed during routine maintenance work or daily use of the building it will release fibres. If it cannot be easily repaired and protected, you should have it removed. This work must be carried out by someone trained and competent to carry out the task.

Remember most work on asbestos insulation, asbestos insulating board and lagging, including sealing and removal, should normally be done by a contractor licensed by HSE.

Check what you've done

Make sure that you have an effective plan for inspecting ACMs left in place, including those you have sealed or enclosed, to make sure that the condition has not changed. The time between inspections will depend on the type of material, where it is and its condition, but it should be at least every six to twelve months.

Monitor and review the effectiveness of the plan

You will need to check that the arrangements to control the risk, set out in your plan, have been put in place and are working effectively. You must also review the plan if there are significant changes that will affect these arrangements, for example if you do different sorts of work on the premises, or if any of the ACMs are removed.

How can you dispose of asbestos?

Asbestos waste, whether this is small amounts of waste or large-scale waste removed by contractors, is subject to waste management controls set out in the Special Waste Regulations 1996. Asbestos waste should be double-bagged in heavy duty polythene bags and clearly labelled with the label prescribed for asbestos, before it is transported to a disposal site. The waste can only be disposed of at a site licensed to receive it. Your local authority will have information on licensed sites in the area.

What should you tell your workers/contractors?

The new duty requires that you make information on the location and condition of the asbestos available to anyone liable to work on it or disturb it. Make sure that employees involved in building maintenance work and any contractors working on the premises know that the building contains or may contain asbestos. You should also tell them where it is and make sure they know there are potential risks to their health if they disturb it.

You may also need to tell anyone installing telephones, computers or any electrical equipment, as they also may disturb asbestos. Make them all aware of the drawing or record showing where the ACM is and the possibility of coming across hidden ACMs which might not be recorded.

If workers/contractors do have to work on materials containing asbestos you must make sure that they know they are working with asbestos and what precautions they should take.

Make sure that they **do:**

- keep everyone out of the work 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;
- clean up with a vacuum cleaner which complies with BS 5415 (Type 'H').

Make sure they **don't:**

- break up large pieces of asbestos materials;
- use high-speed power tools - they create high levels of dust;
- expose other workers who are not protected;
- take protective clothing home to wash.

HSE's guidance *Asbestos essentials task manual* (HSG210) provides advice on working safely with asbestos for people carrying out maintenance or similar work.

Make sure building workers and contractors know when they need to call in a specialist contractor licensed by HSE.

What else does the law say?

The Control of Asbestos at Work Regulations 2002 require employers to prevent exposure of employees to asbestos. If this is not reasonably practicable the law says their exposure should be controlled to the lowest possible level. Before any work with asbestos is carried out, the Regulations require employers to make an assessment of the likely exposure of employees to asbestos dust. The assessment should include a description of the precautions to be taken to control dust release and to protect workers and others who may be affected by that work. If you are employing a contractor to work on your premises make sure that either the work will not lead to asbestos exposures or that the contractor has carried out this assessment and identified work practices to reduce exposures.

The Asbestos (Licensing) Regulations 1983 (as amended) require that a contractor doing more than one hour's work per week with asbestos insulation, asbestos coating or asbestos insulating board and not over two hours on a single job, must hold a licence issued by HSE. But in view of the high exposures with this type of work HSE recommends that you use a licensed contractor for prolonged work involving an ACM. You will be able to get a list of HSE licensed contractors in your area from your local HSE office. (HSE offices are listed in the phone book.)

The Asbestos (Prohibitions) Regulations 1992 (as amended) ban the importation into the United Kingdom, and the supply and new use within Great Britain, of all products containing asbestos. They also ban the second-hand use of asbestos building materials which are not part of an existing building being taken down and put up again within the same premises.

The Construction (Design and Management) Regulations 1994 (CDM) require the client to provide the planning supervisor with information about the project which is relevant to health and safety. This information might, for instance, include previous surveys of the building for asbestos. Not all projects come within the scope of these Regulations. For more information see *Construction (Design and Management) Regulations 1994: The role of the client* (see 'Other useful information' for details).

The Health and Safety at Work etc Act 1974 requires you to protect the health and safety of people who might be affected by your undertaking, whether they work for you or not. The Management of Health and Safety at Work Regulations 1999 expand on these duties by requiring employers to assess risks to the health and safety of employees and others who might work on their premises, to identify what measures are needed to protect them. Employers must then make appropriate arrangements to put in place the necessary preventive or protective measures.

The Health and Safety (Safety Signs and Signals) Regulations 1996 require that suitable warning signs are put in place if there are no other appropriate preventive or protective measures.

Safety representatives

It is your duty to ensure the health and safety at work of your employees. Safety representatives will often be able and willing to help you develop measures to do this. So it makes sense to consult them and find ways you can both co-operate on health and safety.

If safety representatives have been appointed under the Safety Representatives and Safety Committee Regulations 1977, you must consult them on health and safety matters. The Regulations also require you to give them access to information relevant to the health and safety of the workers they represent, including any relating to potentially hazardous conditions.

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 you have strong evidence that it does not
- Identify** If you are planning to have maintenance or 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 location and condition of the material on a plan or drawing
- 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

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

Other useful information

HSE publications/videos

Surveying, sampling and assessment of asbestos-containing material
MDHS100 HSE Books 2001 ISBN 0 7176 2076 X

How are you today? The risks of asbestos in buildings Video HSE Books 2001
ISBN 0 7176 1945 1

Part 1 Asbestos awareness for people in the construction industry
Part 2 Management of asbestos on premises

A comprehensive guide to managing asbestos in premises HSG227
HSE Books 2002 ISBN 0 7176 2381 5

Introduction to asbestos essentials: Comprehensive guidance on working with asbestos in the building maintenance and allied trades HSG213 HSE Books 2001 ISBN 0 7176 1901 X

Asbestos essentials task manual: Task guidance sheets for the building maintenance and allied trades HSG210 HSE Books 2001 ISBN 0 7176 1887 0

Work with asbestos which does not normally require a licence. Control of Asbestos at Work Regulations 2002. Approved Code of Practice L27 (Fourth edition) HSE Books 2002 ISBN 0 7176 2562 1

Work with asbestos insulation, asbestos coating and asbestos insulating board. Control of Asbestos at Work Regulations 2002 Approved Code of Practice L28 (Fourth edition) HSE Books 2002 ISBN 0 7176 2563 X

The management of asbestos in non-domestic premises. Regulation 4 of the Control of Asbestos at Work Regulations 2002 Approved Code of Practice L127 HSE Books 2002 ISBN 0 7176 2382 3

Having construction work done? Duties of clients under the Construction (Design and Management) Regulations 1994 MISC193 HSE Books 1999

Construction (Design and Management) Regulations 1994: The role of the client Construction Information Sheet CIS39 HSE Books 1995

Asbestos alert for building, maintenance, repair and refurbishment workers: Be aware of asbestos the hidden killer Pocket card INDG188 HSE Books 1995 (single copy free or priced packs of 25 ISBN 0 7176 1209 0)

Asbestos dust kills: Keep your mask on Leaflet INDG255 (rev1) HSE Books 1999 (single copy free or priced packs of 20 ISBN 0 7176 1696 7)

Department of the Environment, Food and Rural Affairs publications

Asbestos and man-made mineral fibres in buildings: Practical Guidance
Department of the Environment 1999 ISBN 0 7277 2835 0. Available from
Thomas Telford Ltd, 1-7 Great George St, Westminster, SW1P 3AA
Tel: 020 7665 2464

Special Waste Regulations 1996. The controls on special waste: How they affect you EP147 Department of the Environment 1996. Available in England and Wales from Local Environment Agency offices and in Scotland from local Scottish Environmental Protection Agency offices.

Other useful addresses

Asbestos Removals Contractors Association, ARCA House,
237 Branston Road, Burton upon Trent, Staffordshire DE14 3BT
Telephone: 01283 531126

Asbestos Control and Abatement Division, TICA House, Allington Way,
Yarm Road Business Park, Darlington DL1 4QB Tel: 01325 466704

Asbestos Building Inspectors Certification Scheme, Suite 2 Georgian
House, Great Northern Road, Derby DE1 1LT Tel: 01332 298087

The Royal Institution of Chartered Surveyors, 12 Great George Street,
Parliament Square, London SW1P 3AD Fax: 020 7334 3844
e-mail: asbestos@rics.org.uk

United Kingdom Accreditation Service, 21- 47 High Street, Feltham,
Middlesex TW13 4UN Tel: 020 8917 8400

While every effort has been made to ensure the accuracy of the references listed in this publication, their future availability cannot be guaranteed.

HSE priced and free publications are available by mail order from
HSE Books, PO Box 1999, Sudbury, Suffolk CO10 2WA Tel: 01787 881165
Fax: 01787 313995 Website: www.hsebooks.co.uk (HSE priced publications are also available from bookshops and free leaflets can be downloaded from HSE's website: www.hse.gov.uk.)

For information about health and safety ring HSE's Infoline Tel: 08701 545500
Fax: 02920 859260 e-mail: hseinformationservices@natbrit.com or write to HSE Information Services, Caerphilly Business Park, Caerphilly CF83 3GG.

This leaflet contains notes on good practice which are not compulsory but which you may find helpful in considering what you need to do.

This leaflet is available in priced packs of 10 from HSE Books,
ISBN 0 7176 2564 8. Single free copies are also available from HSE Books.

© *Crown copyright* This publication may be freely reproduced, except for advertising, endorsement or commercial purposes. First published 9/02.
Please acknowledge the source as HSE.

If you own, occupy, manage or have responsibilities for premises which may contain asbestos, you will either have:

- ***a legal duty to manage the risk from this material; or***
- ***a duty to co-operate with whoever manages that risk.***

This guidance will help you decide how to identify, assess and manage any asbestos-containing materials on your premises. A good strategy to manage these materials will help you prevent risk to workers or others who may use the premises.

