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# Managing Asbestos

## Your Legal Duties

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### The Regulations

The Control of Asbestos Regulations 2006, are intended to simplify the overall regulatory regime and improve the standards of protection for workers exposed to asbestos. They came into force on 13th November 2006, and revoke/replace a number of existing Regulations, either in part or in full, including the Asbestos (Licensing) Regulations 1983, the Asbestos (Prohibition) Regulations 1992 and the Control of Asbestos at Work Regulations 2002.

### Risk Assessment

The principal feature of the Regulations that affect churches is the duty to manage asbestos in non-domestic premises. The Regulations place a duty on persons having control of such premises (i.e. the PCC) to make a suitable and sufficient assessment as to whether asbestos is or is liable to be present in the premises. In making the assessment:

- Steps that are reasonable in the circumstances shall be taken.
- The condition of any asbestos which is, or has been assumed to be, present in the premises shall be considered.
- Account must be taken of building plans and of relevant information and the age of the premises.
- Parts of the premises which are reasonably accessible shall be inspected.
- The assessment must be reviewed if there is reason to suspect that the assessment is no longer valid, or if there has been a significant change in the premises.

Where the assessment shows that asbestos is or is liable to be in the premises:

- a determination of the risk from that asbestos must be made;
- a written plan identifying the parts of the premises concerned must be prepared;
- the measures to be taken for managing the risk must be prepared.
- the measures specified in the plan shall be adequate for monitoring condition, ensuring proper maintenance or removal, ensuring that information about the location and condition of asbestos is provided to every person liable to disturb it, and to the emergency services. The dutyholder must record the measures taken to implement the plan; and review it at regular intervals.

### The Risk

Since the vast majority of Church of England churches were either constructed or restored before asbestos was used in construction, the overall risk may not be as high as for other classes of buildings. Nevertheless, some churches contain asbestos, perhaps in connection with twentieth-century extensions or alterations; heating systems, pipe lagging, organ blowers, roofing materials etc. A number of churches, perhaps those constructed or restored in the twentieth century, or in a historic building with asbestos lagging in a heating system, may contain significant asbestos. It is important therefore that the response is proportionate to the risk.

### Who should undertake the survey?

Parishes could enlist a local person, perhaps a member of the congregation with suitable competence and training, to undertake the exercise. Where action in response to the regulations is taken by parishes, those undertaking the assessment should study the published advice, take into account issues such as the overall age of the building, the dates of building programmes, when services were installed, as well as any information available from the Quinquennial Inspection report. They should then survey the building with these

factors in mind. Some building materials such as glass, bricks and stone do not contain asbestos. However, materials used in the twentieth century may well contain asbestos, and an assumption must be made that materials do contain asbestos unless there is evidence to suggest they do not. The assessment should therefore:

- Find asbestos on the premises, or materials assumed to contain asbestos.
- Record where it is and its condition.
- Assess the potential risk.
- Decide what to do, depending on the condition of the materials and take appropriate action.
- Decide whether any professional involvement is necessary. If significant asbestos is found or assumed to be present, it might be appropriate for a specialist survey to be carried out.
- Record action in the Church Log Book.

### **Professional Help**

Appropriate professional help should be brought in where necessary, particularly where maintenance or refurbishment of the premises is being planned.

- The United Kingdom Accreditation Service (UKAS) has developed an accreditation scheme for organisations that carry out asbestos surveys
- The Royal Institution of Chartered Surveyors and the Asbestos Removal Contractors Association (ARCA) have jointly set up a scheme. [www.niacs.org](http://www.niacs.org)
- The British Occupational Hygiene Society has developed an Asbestos Building Inspectors Certification Scheme (ABICS) for individuals who undertake such surveys. [www.abics.org](http://www.abics.org)

### **Further Information**

The HSE have produced guidance notes in respect of a variety of non-licensed activities which may be undertaken by an insured organisation's maintenance personnel, e.g. working with asbestos cement sheets and roof gutters, entitled 'Asbestos Essentials task sheets'. These can be downloaded free of charge from their website at [www.hse.gov.uk/asbestos/essentials](http://www.hse.gov.uk/asbestos/essentials)

A short guide to managing asbestos in premises, available in pdf format from [www.hse.gov.uk/pubns/indg223.pdf](http://www.hse.gov.uk/pubns/indg223.pdf)

Further guidance on the duty to manage asbestos can be found in the 'Approved Code of Practice The Management of Asbestos in Non-Domestic Premises', L27. ISBN 0 7176 6209 8. Available from: [www.hsebooks.com/books](http://www.hsebooks.com/books)

The Health and Safety Executive web site contains much useful information: [www.hse.gov.uk/asbestos/index.htm](http://www.hse.gov.uk/asbestos/index.htm)

A comprehensive guide to managing asbestos in premises (HSG 227). Price £12.50. Available from: [www.hsebooks.com/books](http://www.hsebooks.com/books)

The Regulations are available at: [www.opsi.gov.uk/si/si2006/20062739.htm](http://www.opsi.gov.uk/si/si2006/20062739.htm)

### **Additional information and advice is available from the DAC team:**

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