

## Working with Asbestos and Removing Asbestos-Containing Materials Policy

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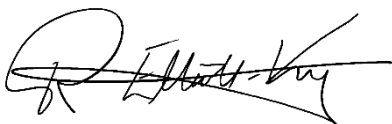
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On: 08 July 2022

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On: 08 July 2022

This policy supersedes and replaces any previous policy documents on working on sites that have been identified as either containing asbestos or may contain asbestos. It also supersedes and replaces any previous policy documents on the removal, transport and safe disposal of non-notifiable, non-licensed asbestos-containing materials (ACM) such as floor tiles or removing less than 1m<sup>2</sup> of ACM-containing ceiling coverings (e.g. Artex).

### **Preface**

This document provides more details of the health and safety measures put in place for the effective management of the risks associated with working in properties that are either known to contain hazards associated with the presence of asbestos identified by an asbestos survey. It applies to all properties built prior to the year 2001 that may contain asbestos before it was banned from use in the construction industry in the UK.

We state the year 2001 because the final ban on using asbestos came into effect in November 1999, but the legislation allowed existing stocks to be used well into the middle of the year 2000. It seems prudent to assume asbestos was still being legally incorporated into properties well into the year 2000, before you even consider the possibility that unscrupulous builders continued to use their residual ACM-containing stocks well past the deadline dates.

This policy also covers the procedures to be followed in the qualified conditions under which our specially trained operatives are authorised to remove non-licensed, non-notifiable ACM.

The objective is to assess all foreseeable risks that arise when our operatives (directly employed or sub-contractors) are working at properties which may contain asbestos, or are involved in the removal, transport and safe disposal of ACM with a view to:

- Eliminate those risks where possible; or
- Reduce those risks that cannot be avoided down to an acceptable level.

The Company will continuously review and monitor the control measures put in place to ensure they remain suitable and sufficient for the work undertaken by our operatives.

### Overview

Working with materials that contain asbestos, even with the low levels found in non-notifiable, non-licensed (NNNL), asbestos removal work Marisco may undertake from time to time, has the potential to be a high-risk operation if workers ignore their training and the strict safe working methods we expect to be observed and described in this policy.

The long term adverse health consequences of operatives breathing in airborne asbestos fibres is well understood and the objective of this policy is to set out the strict procedure that must be followed when:

- There is any risk of workers encountering ACM that has the potential to release dangerous levels of asbestos fibres into the air if disturbed;
- Our trained operatives are authorised to remove low content NNNL ACM following our strict protocols for these kinds of procedures.

The latest 2021 published [HSE statistics](#) indicate that the death toll attributable to asbestos exposure will continue to be above 5,000 people a year for some time to come. The good news is the fatality rate will gradually decrease over the next three decades as the beneficial effects of increased asbestos awareness training in the past 20 years has an impact on morbidity outcomes.

In the meantime, one death is one too many ... and the HSE inspectors and Courts continue to take a hard line on enforcing strict compliance on asbestos management in the workplace. It is helpful to read the HSE's Enforcement Management Model ([EMM](#)) to better understand how they will approach breaches of the employer's statutory duties under the H&S regulations. It is fair to state employers can expect the court to hand down severe penalties against both the

business and directors themselves if non-compliance is proved. Over the period 2019/20, the HSE prosecuted 325 cases in 2019/20 giving rise to fines of £35.77 million (average £110,000). Of more significance was 8% of prosecutions resulted in an immediate custodial sentence, 9% in community sentences, and 14% in suspended sentences. The people who ended up with a criminal record for a mistake of underestimating how seriously the HSE view asbestos H&S breaches in the workplace, are often quite ordinary, otherwise law-abiding business managers, who had the misfortune to find they could not satisfy the courts they had taken enough care to ensure the safety of their employees.

The HSE issued 7,075 enforcement notices in 2019/2020. An HSE Inspector will currently charge £163 per hour in *Fees for Intervention* ([FFI](#)) to investigate and report back on any failure of the Company to meet their obligations under health and safety legislation, as well as recommending if it is appropriate to prosecute a violation.

If the threat of high financial penalties are not enough to motivate individuals to take a responsible approach to working with asbestos, maybe avoiding a custodial sentence might.

Courts are now much more inclined to punish directors, middle managers, site supervisors and the workers themselves with custodial sentences or suspended sentences with hundreds of hours of community service to be served.

For experienced construction workers who have spent decades in the sector, it is hard to relate the current enforcement rules to safe-working with asbestos, when years ago they worked constantly with asbestos containing materials (ACM) without any PPE, RPE protection or concerns of life-threatening, long term health issues. For this reason it harder to influence and improve workers' behaviour and perception of the risks of working with asbestos today.

The problem is on a par with the health hazards of smoking. Why do people continue to smoke in the full knowledge that the short-term satisfaction of their nicotine addiction today will almost certainly shorten their life span by suffering a debilitating and fatal cancer tomorrow?

Returning to asbestos, no small part of the compliance problem is the workers at most risk of harm by breathing in asbestos fibres, are often not prepared to follow safe working procedures because they take to long and cost to much to adhere to. It takes seconds to drill two pilot holes into an ACM coated ceiling. It takes at least an extra hour of work and at least £100 more to follow the mandated HSE's [A26](#) procedure.

It is therefore no surprise that everyone involved in promoting safe-working with asbestos, faces an uphill battle to win over the co-operation of workers, many of whom will readily admit they would not follow procedures if given the choice. They do not perceive the risk of harming their long term health is worth the fuss of wearing PPE and RPE, the lost time, and extra costs.

We cannot understate the need for managers and workers at every level to take a very responsible and serious approach to working on sites where asbestos may exist. Whatever their views on the subject may be, the serious consequences of carelessly allowing asbestos fibres to be realised into the air that other people, including children, cannot be ignored.

Marisco managers and staff must strictly adhere to the safe-working practices advocated by our safe systems of work and site risk assessments. Proven failure to do comply with our asbestos safe working measures will result in disciplinary action, with a view to end their employment with this firm.

Many training programs refer to three types of asbestos that workers may encounter in older properties. The use of chrysotile was permitted in the UK until November 1999. The other two types of asbestos, amosite and crocidolite were banned in 1985.

The distinction is only of academic interest as there is no practical benefit for workers to be able to distinguish between the three types. Contact with any kind of asbestos is harmful to health and require the same degree of risk control.

ACM's contain far less asbestos in a fixed substrate, which means it is less likely individual asbestos fibres will become airborne when ACM is disturbed. It is essential, however, to understand every asbestos fibre has the same potential to cause harm whether it originated from ACM or raw asbestos in any of its forms often found in older building site or indeed in nature itself. Asbestos is a naturally occurring substance.

The previous paragraphs should provide sufficient moral, legal and financial reasons why duty holders should make sure:

- our workers are continuously reminded of the dangers of accidentally being exposed to asbestos and what they should do in such an event;
- at no time should any of our workers attempt to remove or disturb known or suspected deposits of ACM on sites; and
- only fully trained and competent workers are authorised to remove, transport and safely dispose of non-licensed ACM under a permit system.

To achieve effective management of risks associated with this kind of work, the company will:

- Provide suitable and sufficient on-going training to ensure workers understand the risks involved with coming into contact with asbestos in any of its forms;
  - Check that all sub-contractors have received suitable and sufficient training on working with asbestos before they begin work;
  - Ensure that all work at sites where asbestos is known to be present are carried out in accordance with legislation, ACOPS, HSE Guidance and current best working practices listed on our [legislation page](#) on our website;
  - Ensure that only non-notifiable, non-licensed ACM (e.g. vinyl floor tiles) are removed, transported and disposed of by our trained personnel, under a permit system, who have received sufficient and relevant training to allow them to carry out those tasks safely;
  - Ensure that a relevant asbestos survey has been carried out and copy is available on all sites before work commences
  - Ensure a specific asbestos risk assessment has been prepared by a competent site supervisor;
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- All removals of un-licensed, non-notifiable asbestos carried out by our workers must strictly follow the recommended procedures published in the HSE Guide a23 on 'Removing asbestos containing floor tiles and mastic';
- All work involving the risk of individuals being exposed to asbestos must be carried out in accordance with the [Control of Asbestos Regulations 2012](#).
- Continuously reassess the need for occupational health monitoring.

## SAFE WORKING METHODS

### 1. Know what asbestos is present and plan for contingencies

The [Control of Asbestos Regulations 2012](#) require duty holders of the properties to manage the hazards and risks arising from any asbestos known to be on site. As employers, Marisco has an explicit legal obligation under the *Health and Safety at Work etc Act 1974* to prevent harm to its employees and other at work.

Observing the following procedures will ensure workers remain safe when working on sites where ACM has either been confirmed or is suspected as being present.

No maintenance or refurbishment work should begin on any site unless a *management or refurbishment and demolition* asbestos survey has been carried out and a copy is made available on site for all workers to read. Our Health and Safety Site file [checklist](#) requires these asbestos reports are present.

Our [induction](#) protocols highlight to all new workers the importance of asbestos awareness in the workplace. Our [sign-in sheets](#) highlight workers must read and comply with the controls, procedures and recommended safe-working practices stated within the risk assessments and CDM plan available on this site.

If asbestos, in any of its forms, is known to be present on site, no work should begin unless a competent manager has completed the [working with asbestos](#) risk assessment to ensure that planned works can be carried out safely and without risk of disturbing the asbestos present.

The appointed site manager is responsible for ensuring all workers undergo a site [induction](#) before they commence work, which should specifically include identifying the known location of asbestos and the procedures to be followed to make sure they are not disturbed.

Each worker is responsible for reading the content of the [Health and Safety File](#) that is always completed before work commences on site.

Workers are required to sign the site's risk assessments, including the *working with asbestos* version, to confirm they have appraised themselves of the hazards and controls that have been put in place to control the risks to continuing health and safety that have been identified on each site.

## 2. Controlling the risk workers might disturb ACM

Our risk assessment identifies two types of properties we may be asked to work on:

- A. **Low-Risk:** The property was built after 1<sup>st</sup> January 2001 and an asbestos management report is available confirming no ACM is present. There remains a low risk that ACM may have been subsequently introduced, which requires the company to still ensure all staff are regularly trained to identify ACM and organise procedures to deal with situations where suspected ACM is found on site.
- B. **High-Risk:** All other properties where it is assumed ACM is present even if the available evidence suggests none is present. A higher standard of *asbestos awareness* planning and supervision is exercised in all such properties to reflect the higher risks that workers could be accidentally exposed to asbestos.

**In high-risk** properties, the risk assessments will indicate the PPE that must always be worn by workers undertaking any activity with the potential to result in an unplanned release of asbestos fibres into the air. Workers will need to wear FFP3 face masks for disturbing, cutting, drilling or chasing into any surface, unless there are sufficient and reliable grounds for believing the material does not contain asbestos.

Our company policy on working with asbestos, starts with the overriding premise that no one should act upon any instruction, wheresoever the request originates, to knowingly disturb, cut, drill or chase into any material:

- that has been confirmed to contain asbestos; or
- is suspected of containing asbestos.

We regularly communicate our absolute commitment to all our workers to support their decision to refuse to work on any material which they believe may contain asbestos.

Our annual staff training program includes a commitment that all workers at risk of exposure to ACM in the workplace, receives sufficient *asbestos awareness* training every year. This will ensure workers are properly trained to identify the potential ACM they may meet in the workplace.

In the event our client's works schedule requests refurbishment work to be carried out on any part of a property where there are grounds for believing ACM may be present, our site managers and all our workers are regularly reminded they should insist an intrusive *refurbishment and demolition asbestos survey* is carried out to confirm the absence of ACM before work commences.

If the presence of ACM is confirmed, the client must make suitable arrangements to have the ACM removed by a third-party contractor before any refurbishment work we were contracted to carry out begins.

### **3. What needs to be done if suspected ACM is discovered.**

Even with all the reasonable and practicable precautions that can be carried out to identify the presence of ACM, it is always possible that a new deposit of potential ACM could be unearthed at any time as work proceeds.

It is important all workers and site managers comply with the following procedure to deal with any new potential ACM materials discovered:

- Stop work immediately and all workers are to evacuate the immediate vicinity of the new deposit of suspected ACM, closing doors and windows as they go to prevent any asbestos fibres that may have been released into the air spreading further.
- Follow the decontamination procedure if any worker is concerned they may have been covered in asbestos fibres and dust (see next section).
- Take precautions to isolate the deposit by sealing off the room or using barriers to prevent others from coming into contact with the potential ACM.
- Notify the site manager that a new potential ACM deposit has been discovered. They will arrange for sampling of the suspected ACM to confirm the presence or absence of asbestos.
- Until the presence or absence of asbestos is confirmed, no one should carry out any other work in the same room as the potential ACM.
- If an assessment of the risks involved indicate that workers elsewhere in the property cannot be guaranteed that they will not be breathing in contaminated air with unsafe levels of asbestos fibres, then the site should be closed until either air tests confirm it is safe to proceed, or the results of the ACM sample test confirms there is no ACM present.
- Workers should not succumb to peer-group pressure to continue working on any material they suspect may contain asbestos. Marisco does not employ anyone qualified to voice a valid opinion that can be relied upon as to whether a material does, or does not, contain asbestos. It will take a report from a certified testing agency before a reliable result can be obtained. If in doubt ... workers must stop working on potential asbestos containing material.

It is better to be safe than sorry. Once asbestos has been breathed into the lungs, there is no medical procedure to remove it ... and the harm to long-term health has been irreversibly done. Deep lung scarring and the possibility of cancer are strong incentives to take every possible precaution to prevent exposure to asbestos in the workplace.

#### 4. Unplanned release of asbestos fibres - decontamination process.

In the event of a known (or suspected) deposit of asbestos being sufficiently disturbed to result in the unplanned release of a cloud of asbestos fibres into the air, it is important the following protocol is observed:

- It is assumed that the prevailing risk assessment should have required workers to be wearing FFP3 face masks at the time the unplanned release occurred. As avoiding breathing in asbestos fibres is the main concern, the fact that a mask is being worn will provide the worker with enough time to make the situation safe and remove themselves from the contamination area.
- Any workers in the contaminated area not wearing a mask must leave without delay. They should move slowly and do all they can to avoid breathing in any fibres that may be on their hands, face, hair and clothes.

Their first priority is to relocate to a safe place where they can use a damp cloth to dab (not wipe) their mouth and nose clean, and then put on a FFP3 face mask before attempting to remove contaminated clothing. You don't want to breathe in fibres shaken loose from contaminated clothing as they are removed.

- The workers wearing the masks still in the contaminated area should attempt to minimise the further spread of airborne fibres by closing all doors, windows and vents and covering the source if possible, without unduly delaying their own exit from the area.
- The next priority will be to raise the alarm and delegate the task of isolating the room to someone who has not been contaminated. The aim is to ensure no one can enter the contaminated area by accident without wearing protective clothing and breathing protection. Post a temporary guard if necessary.
- For those who have been contaminated with dust, the priority will be to relocate to a safe area where they can carefully remove any contaminated clothing and replace them with a temporary pair of disposable overalls. Every attempt should be made to minimise movements between rooms to prevent further contamination of areas that may need deep-cleaning to remove asbestos fibres spread by cross-contamination.
- Although the option to replace a face mask with a clean one should be considered, people should keep wearing one until they are able to reach a shower to wash any contamination that may still be on their skin and hair.
- All contaminated clothes, shoes and any cleaning rags must be double-bagged and disposed of as asbestos waste in the usual way.



## 5. Removal of Non-notifiable Non-licensed Asbestos Containing Material

We have teams of trained and competent operatives who are authorised to remove NNL ACM often found in the social housing properties we work on.

The work is subject to the [decision tree](#) and [risk assessments](#) to be completed for every job under a work permit control system supervised by Marisco site managers. The majority of our work is overseen and inspected on a regular basis by BBML's Health and Safety Inspectors on behalf of BCP Council.

All Such work is carried out in strict accordance with the recommendations of the HSE publication [HSE Guide A23](#).

HSE Guide a23 refers to the following essential reading publications:

- [HSE Guide EM1](#): What to do if you uncover or damage materials that may contain asbestos.
- [HSE Guide EM2](#): Training.
- [HSE Guide EM3](#): Building and dismantling a mini-enclosure.
- [HSE Guide EM4](#): Using a Class H vacuum cleaner for asbestos.
- [HSE Guide EM5](#): Wetting asbestos materials.
- [HSE Guide EM6](#): Personal protective equipment (PPE).
- [HSE Guide EM7](#): Using damp rags to clean surfaces of minor asbestos contamination.
- [HSE Guide EM8](#): Personal decontamination.
- [HSE Guide EM9](#): Disposal of asbestos waste.
- [HSE Guide EM10](#): Statement of cleanliness after textured coating removal.

All operatives should read these HSE published guidelines and always comply with the recommendations contained therein.

The company operates a system of control to record the number of bags of contaminated asbestos waste and tracks them from the removal of the waste from the property upon completion of the removal process, to the disposal at a licensed waste disposal site. All waste is double bagged (one clear, one red) and transported in a closed van.

### Training and competency.

In accordance with HSE recommendations, all our operatives and supervisors will undergo *removal of asbestos* training courses with an external agency every three years and receive an annual refresher course in-house. Operatives are face mask fit tested every year and all their work is overseen on a regular basis by both Marisco and BBML inspectors to ensure all controls are observed in practice. The JSP Force 8 P3R masks we issue also allow operatives to self-test the seal and face fit before and during operations to ensure safe use.

### Enforcement of the Policy and Disciplinary Measures

The HSE will prosecute, and the Courts will render large fines and more recently impose custodial sentences for breaches in the regulations concerning asbestos.

Our operatives are regularly reminded they must take their personal responsibility to observe the safe working practices we put in place. They are also aware that we will not hesitate to take disciplinary action against any employee who chooses to disregard them.

### Monitoring and Health Surveillance

The Company regularly audits and records the findings of its managers as they carry out health and safety spot checks and inspections. The results are considered during the monthly staff consultation H&S meetings. Any significant failure to maintain the standards of compliance on all health and safety matters will be quickly addressed and resolved.

View the [Regulations](#) or [HSE](#) information.

## Appendix 1

### What is the legal duty of employers with regards to working with asbestos?

Although the authorities have consolidated many of the regulations and guidance notes into the *Control of Asbestos Regulations 2012*, employers must be mindful of the obligations that other legislation impose on the control of works involving working with asbestos and the onerous duty of care they owe not only to their employees and contractors carrying out the work, but also to any occupants or members of the public who may be directly or indirectly affected.

*The Health and Safety at Work etc Act 1974 section 2*, requires all employers to conduct their work so their employees will not be exposed to health and safety risks, and to provide information to other people about their workplace which might affect their health and safety. *Section 3* places duties on employers and the self-employed towards people not in their employment and *section 4* contains general duties for anyone who has control, to any extent, over a workplace.

*The Management of Health and Safety at Work Regulations 1998* require employers to assess the health and safety risks to third parties, such as tenants who may be affected by their activities, and to make appropriate arrangements to protect them.

*The Construction (Design and Management) Regulations 2015* require duty holders to ensure accurate information about the presence of asbestos in a property is recorded and distributed to all people who need to know about it.

Finally, there is a whole raft of publications written by the HSE that explain in more detail how the regulations must be applied in practice.

### **Section 5 of the *Control of Asbestos Regulations 2012* defines the primary obligation all employers must observe as the plan and carry out any work that may involve asbestos.**

**S.5** *An employer must not undertake work in demolition, maintenance or any other work which exposes or is liable to expose employees of that employer to asbestos in respect of any premises unless either—*

- (a) *that employer has carried out a suitable and sufficient assessment as to whether asbestos, what type of asbestos, contained in what material and in what condition is present or is liable to be present in those premises; or*
- (b) *if there is doubt as to whether asbestos is present in those premises, that employer—*
  - (i) *assumes that asbestos is present, and that it is not chrysotile alone, and*
  - (ii) *observes the applicable provisions of these Regulations.*

The following is an extract from the HSE's ACOP, **L143 Managing and Working with Asbestos**, which explains when a **management survey** or **refurbishment and demolition** survey is required:

- 113 *Everything that can reasonably be done must be done to decide whether there is (or may be) asbestos in the premises, and if there is asbestos (or could be), to find out where it is likely to be. All documentary information that can be obtained about the premises must be systematically checked and as thorough an inspection, as is reasonably accessible, of the premises both inside and outside must be carried out.*
- 114 *The thorough inspection of the premises will usually take the form of a survey. The survey should be comprehensive and systematic, and the survey type should ensure that the duty holder meets their current occupational requirements: a **management survey** should be carried out to identify the asbestos for normal day-to-day occupation and maintenance of the building, and a **refurbishment and demolition survey** should refurbishment or demolition work be planned.*

**With respect to L143, when does 'day-to-day maintenance' change to become 'refurbishment'? It is important because it will determine what kind of asbestos survey is required.**

- 61 *To meet the requirements of the exemption in regulation 3(2) maintenance work needs to be short and non-continuous; both of these elements will be determined by the nature of the work. Take a common sense approach to decide whether work can be short non-continuous work. For example, this type of work could include small routine building maintenance tasks, or a series of similar small tasks, or work that is carried out as part of a larger maintenance activity. Most routine work in buildings will be maintenance, such as replacing an Asbestos Insulated Board fire door or removing/replacing ceiling tiles when rewiring light fittings etc.*
- 62 *Work carried out as part of a much larger project of demolition or a total refurbishment of a building would be likely to mean it is removal rather than maintenance work.*

The practical application of section 61 and 62 of L143 is open to widely different interpretation. For this reason, any conclusions reached by Marisco operatives on the need to plan work based on the absence or availability of a management or a demolition and refurbishment asbestos survey must be documented as part of the normal risk assessment process for each job. To fail to do so would leave the Company open to the risk of prosecution by the HSE for not complying with their legal obligations under the various regulations that cover this subject.

For our purposes, the isolated requirement to chase out a wall just to receive a new electrical circuit would be viewed as a day-to-day maintenance job only requiring reference to a maintenance survey. In contrast, carrying out the same task in a kitchen or bathroom replacement project would require reference to a refurbishment and demolition asbestos survey in order for the employer to be seen to be compliant.

**It should be remembered an ACOP has a special legal status as far as compliance is concerned:**

*"This Code has been approved by the Health and Safety Executive, with the consent of the Secretary of State. It gives practical advice on how to comply with the law. If you follow the advice you will be doing enough to comply with the law in respect of those specific matters on which the Code gives advice. You may use alternative methods to those set out in the Code in order to comply with the law.*

*However, the Code has a special legal status. If you are prosecuted for breach of health and safety law, and it is proved that you did not follow the relevant provisions of the Code, you will need to show that you have complied with the law in some other way or a Court will find you at fault."*

In consideration of the above, it is hard to understand how any employer can demonstrate they have met their legal obligations to protect the safety of their employees, and others, if they engage in any kind of 'day-to-day maintenance work' in a property built before 2001 without the minimum of a *management asbestos survey* being available to confirm the presence or absence of asbestos. If the work involves the significant disturbance of the fabric of the building as part of a more extensive refurbishment, it is almost certain the HSE and the courts will expect a full *refurbishment and demolition asbestos survey* to have been carried out first.

## Appendix 2

### Different Types of Asbestos Surveys

There are two types of asbestos surveys you are likely to come across:

- Management surveys; and
- Refurbishment and demolition surveys

Duty holders (clients) must provide at least one of the survey types for any non-domestic construction sites we are about to commence work upon, which incidentally includes common parts of blocks of flats and housing stock of councils and housing associations.

#### Management Survey

A management survey is the standard survey. Its purpose is to locate, as far as reasonably practicable, the presence and extent of any suspect ACM's in the building which could be damaged or disturbed during normal occupancy, including foreseeable maintenance and installation, and to assess their condition. 44 Management surveys will often involve minor intrusive work and some disturbance. The extent of intrusion will vary between premises and depend on what is reasonably practicable for individual properties, i.e. it will depend on factors such as the type of building, the nature of construction, accessibility etc.

A management survey should include an assessment of the condition of the various ACM's and their ability to release fibres into the air if they are disturbed in some way. This 'material assessment' will give a good initial guide to the priority for managing ACM's as it will identify the materials which will most readily release airborne fibres if they are disturbed.

The survey will usually involve sampling and analysis to confirm the presence or absence of ACMs. However, a management survey can also involve presuming the presence or absence of asbestos.

#### Asbestos Refurbishment and Demolition Survey

A refurbishment and demolition survey is needed before any refurbishment or demolition work is carried out. This type of survey is used to locate and describe, as far as reasonably practicable, all ACMs in the area where the refurbishment work will take place or in the whole building if demolition is planned. The survey will be fully intrusive and involve destructive inspection, as necessary, to gain access to all areas, including those that may be difficult to reach. A refurbishment and demolition survey may also be required in other circumstances, e.g. when more intrusive maintenance and repair work will be carried out or for plant removal or dismantling.

## Which type of report should be supplied to the contractor?

It is acceptable and normal practise for many of our client duty holders to rely upon *management surveys*, supported by *refurbishment and demolition surveys*, as the primary means of managing the asbestos risk for *routine maintenance* work in large stocks of domestic premises.

This sampling approach builds up a reliable general picture of the asbestos risks across a homogeneous stock of properties, but the absence of a *refurbishment and demolition survey* places a higher duty of care on Marisco's site managers to spend more time correctly identify the specific asbestos risks our workers face in each individual property before they begin working there.

If a client only supplies a *management survey* for a property, then we should assume any material on the site that looks like asbestos, which has not been intrusively sample tested as part of the report, must be treated as if it were asbestos. It will not be possible to carry out any refurbishment work that has even a remote chance of disturbing that suspected asbestos material.

It will be necessary to request a localised refurbishment report to determine if asbestos is present if the client's work schedule request work to be carried out that involves disturbing, or cutting, drilling or chasing into any surface that includes suspected asbestos. Work must not commence until a refurbishment report has been received and the presence or absence of asbestos confirmed.

## Appendix 3

### Restrictions on Marisco operatives working with Asbestos

Further Reading: Click [here](#) to read further advice from the HSE on licensed and non-licensed asbestos work.

**Definition:** *Asbestos containing material* will be referred to as *ACM*.

#### The following working restrictions must always be observed by all operatives:

1. If you believe a material may contain asbestos, treat it as such until an asbestos sample survey has confirmed it one way or the other;
2. Only operatives designated by Marisco and listed as asbestos-competent on our staff register are authorised to work with or remove ACM;
3. The only kind of work Marisco will authorise operatives to carry out is non-notifiable, non-licensed work with ACM as defined by the HSE.
4. Any work on, removal, transport and disposal of ACM must be carried out in accordance with the Control of Asbestos Act 2012.
5. All ACM work must only be carried out under our asbestos work permit system.

### Authorised removal of ACM our operatives can undertake

The only work operatives are authorised to undertake is the removal of ACM vinyl floor tiles that is carried out on the strict controls put in place by the Company.

### Forbidden removal of ACM are operatives must never undertake

Essentially this will be the removal of any ACM materials that are not ACM vinyl floor tiles.

*Marisco operatives* should *never* carry out any '*notifiable*' work, which would include:

1. Removal of:
  - a. asbestos cement products (e.g. roof sheeting) where the material will be substantially damaged or broken up (e.g. as a result of fire or flood damage);
  - b. asbestos cement products (e.g. roof sheeting) where the material will be substantially broken up, creating significant quantities of dust and debris (e.g. 'dropping' an asbestos cement roof);
  - c. Removal of asbestos paper and cardboard products even if they firmly bonded in a matrix.

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

#### Implications for Marisco of operatives failing to observe our ban on carry out notifiable work.

1. If we fail to notify the HSE when we should, it will have serious consequences for both the company and the operatives at fault. Random HSE site can happen at any time, and it is worth remembering councils are also enforcing agencies as well. If we were found to be in default, we would consider ourselves let off lightly if we were issued with an improvement notice at a cost of a few thousand pounds. If the offence has caused the exposure of any workers to asbestos the chances are the HSE would press for a prosecution that would carry fines of up to £450,000 and the very real risk of custodial sentences for any directors and site supervisors who have negligently failed to enforce safe working practises when ACM is involved.
2. Any supervisor or operative involved in carrying out notifiable work against company policy will face serious disciplinary action that will most likely result in their immediate dismissal.

#### Only our competent managers should decide what constitutes notifiable work, and if there is doubt ... play it safe and don't do it.

1. We accept that the determination of what constitutes notifiable work is open to interpretation, especially with the use of words like "substantially damaged", "significant quantities of dust" or of "minor short duration". For this reason, only competent managers having undergone a recognised 'working with asbestos' training course within the last 24 months should make the determination.
2. Play it safe: No matter what commercial peer-group pressure is brought to bear, if the ACM is considered is in poor condition and prone to crumbing; cannot be removed whole with only minimal creation of dust; and all the work, including bagging and clean-up cannot be completed within one hour, assume it is notifiable and do not attempt to do it.



## Appendix 4

### What must happen if a new deposit of potential asbestos is discovered?

Even with a comprehensive *refurbishment and demolition asbestos survey*, the potential that undiscovered asbestos deposits exist within the property must always be at the forefront of all workers' minds engaged on work in properties built before the year 2001.

In the event workers do discover a new suspected deposit of asbestos, all work must stop immediately. The site manager should be contacted immediately and must attend the site and decide what appropriate action should be taken.

It should be remembered that Marisco employs no one who is qualified to pass a valid opinion of whether a material is, or is not, an asbestos containing material.

The only decision to be made in such circumstances is whether it is safe to continue working in the rest of the property. This will be a risks-based decision that should take into account the condition of the newly discovered asbestos material, and the potential for it to be safely isolated to prevent dangerous fibres being released into the air and breathed in by workers present on the site.

As we deal mainly with small domestic properties, it is likely there will be a need to close the whole site. It will be difficult to satisfactorily guarantee the newly discovered asbestos site is not releasing unacceptably high levels of fibres into the working environment. Unless the new deposit can be fully isolated, carrying out air tests will only confirm the state of affairs at the time of testing. Someone could accidentally disturb the suspected deposit five minutes after the test and a safe working environment becomes a dangerous one.

The site should not be re-opened until the suspected asbestos material has been tested and the report either confirms it is asbestos free, or the confirmed arrangements made to remove the either cleared as not being asbestos, or it is removed by a competent contractor.

which will depend upon whether the is whether it is safe available no one is authorised .should be done. working immediately they encounter or uncover any new material that may be asbestos.

Every attempt should be made not to disturb the new hazard. Isolate the area to prevent other workers from disturbing the new potential hazard and contact management for guidance on what should be done next.

If the new hazard has been disturbed and there is any risk of any worker being contaminated, then it should be assumed the material is asbestos and you should follow the decontamination protocol in Appendix 5.

**A refurbishment and demolition survey will always be required where refurbishment work or other work involving disturbing the fabric of the building is carried out.** This would include removing partition walls, removing fireplaces, and taking up and replacing floors or ceilings.

## Appendix 5

### Unplanned Exposure to Asbestos – Decontamination process

It is assumed in this situation you have already read the asbestos survey report and made yourself aware of the location of existing asbestos on site. So this section will deal with a case where you have either:

- accidentally disturbed or uncovered a known location of asbestos that now needs to be made safe or removed; or
- encountered a previously unidentified potential source of asbestos.

If you have even the faintest suspicion the material you have encountered may be asbestos, you must assume it is and act accordingly.

The first priority would be to stop everyone from working and evacuate all personal from the possible contamination zone and prevent anyone from going back in until it can be properly isolated with warning barriers and notices to keep out.

Your next immediate priority is to deal with the extent you and any other workers may have been contaminated with potentially dangerous asbestos fibres.

This is a case of applying common sense and if one is available wear a mask to minimise the risk of breathing in fibres as you remove contaminated clothing. Avoiding contaminating other areas such as carpets and cloth seats. You may have heard the story about when people contaminated with asbestos dust have jumped in their cars to rush off to take a shower without a thought to the fact the vehicle will now need a deep clean, new carpets and seats because asbestos is so hard to remove from such surfaces. Please refer to

Contact a supervisor and appraise him of the situation, who will arrange with the client to either have the asbestos material removed or sampled to confirm if it is asbestos and deal with as the need arises.

## Appendix 6

### Guidance on wearing FFP3 face masks.

Please refer to the [www.mariscosouth.co.uk](http://www.mariscosouth.co.uk) website for the latest developments on when face mask PPE must be worn and the operating conditions under which such equipment must be used.

When risk assessments indicate face mask PPE must be worn, male workers must be clean shaven to continuing working if they rely upon half face masks to protect them.

We now have several sets of powered, full-hood RPE that can be used to by employees who have beards or designer stubble.