Hugh Robertson

Senior Policy Officer

TUC

Congress House

23 – 28 Great Russell Street

London

WC1B 3LS

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Dear Hugh,

Thank you for the opportunity to review the All-Party Parliamentary Paper on Asbestos Eradication. I apologise for not having responded earlier, but we have been canvassing opinion from our membership.

As an organisation we are committed to worker health protection, and therefore we support any moves to remove hazards from the workplace. We are heartened by the interest shown by the All-Parliamentary Group in the prevention of exposure of workers and others to asbestos.

While we endorse the long-term goal of asbestos eradication, we do have some concerns regarding the implementation of an eradication law.

The Control of Asbestos Regulations 2012 require that asbestos in non-domestic premises is managed. If it is in poor condition and cannot be repaired then it should be removed. The requirement to manage asbestos for all practical purpose requires the duty holders to carry out a survey of their premises, to identify the location of their asbestos-containing materials (ACMs). They are required to maintain an asbestos register, and inform workers and others who may come into contact with asbestos of its presence.

BOHS has been at the forefront of identifying the training required for asbestos surveyors. Via BOHS’ suite of [asbestos qualifications](http://www.bohs.org/qualifications-training/bohs-qualifications/asbestos-qualifications/), we provide professional qualifications for those who carry out surveying, and for those who have been asked to manage asbestos in their employer’s premises. BOHS also provides professional qualifications for asbestos analysts; these are the people who inspect premises where asbestos has been removed, and who carry out air sampling for asbestos in a number of different circumstances.

BOHS’ suite of UK Proficiency Modules in Asbestos is protected by trademark to BOHS, and comprises:

P401 – Identification of Asbestos in Bulk Samples (PLM)   
P402 – Surveying and Sampling Strategies for Asbestos in Buildings  
P403 – Asbestos Fibre Counting (PCM)  
P404 – Air Sampling of Asbestos and MMMF and Requirements for a Certificate of Reoccupation Following Clearance of Asbestos  
P405 – Management of Asbestos in Buildings

Of course, as you are no doubt aware, there are other professional and trade organisations involved in the proper identification, management and removal of asbestos in the UK. HSE also continues to research the safest and most effective way of removing ACMs from buildings.

Therefore, in many respects, all the pieces of the jigsaw are in place to allow the UK to meet an initiative such as that outlined in the Paper.

However, despite this, we still see far too many failings with regard to proper and safe management and removal of asbestos. If we also look back at the last 31 years, since asbestos licensing came into effect, there have probably been over a million notifications to HSE alone. If each notification resulted in the removal of a tonne, that would equate to a million tonnes of asbestos waste having been removed (although the true figure is probably higher).

In this respect, the UK has been eradicating asbestos since the 1980s. Sadly, the picture is not so impressive when you consider the asbestos that has been poorly removed, leaving areas still contaminated. Furthermore, there is the issue that even when asbestos was removed, we failed to keep a proper record of what was done and where. A typical UK building built before the 1980s has many uncertainties with regard to its asbestos legacy.

Many duty holders are now realising the problems and failings of the past, and are looking to manage and record what they do better. In addition, there is a desire to maximise asbestos removal during projects to eliminate the asbestos legacy. BOHS applauds such approaches and agrees that the long-term goal should be to eradicate asbestos from the UK, but we can only do this if such a proposal is properly implemented.

One key area that we are well aware needs more attention is asbestos in schools but, as in all such cases, we need competent persons surveying, assessing and removing asbestos, and well-informed duty holders to avoid the pitfalls. Asbestos removal is costly when carried out properly and effectively, but such expenditure is

wholly worthwhile, as correct removal ensures the avoidance of incurring further costs through re-surveys and re-cleans. Many licensed asbestos removal contractors now state that a large part of their work is on re-cleans or previous poor works.

So, we need to get competency right amongst all the professionals, trades and duty holders. We cannot plan to eradicate asbestos until we can be certain that all parties will achieve this properly.

While we are aware of the numbers that hold our own P402 qualification in asbestos surveying and our qualification for competence in asbestos, we are concerned that there are currently insufficient fully competent asbestos surveyors or asbestos analysts to support an asbestos eradication programme. We see evidence of this all the time, with asbestos being found in buildings by construction workers, or demolition contractors in buildings which have previously been surveyed. We are also concerned about the public, duty holders, employers and employees having confidence that a building is asbestos-free once certified as such, given that not all ACMs are always identified during a survey, even a pre-demolition survey.

Prior to the introduction of the “duty to manage” regulation which came into force in May 2004, there was, with some justification, a fear on the part of HSE, BOHS and others, that there would be insufficient numbers of competent surveyors to cope with the demand of duty holders for asbestos surveys. This led to a large number of individuals joining the asbestos surveying market, who carried out surveys incompetently.

BOHS would also be wary about asbestos removal companies employing large numbers of new removal operatives to service the increased demand for asbestos removal, as a result of the proposed asbestos eradication law. This could lead to increased incidences of poor asbestos removal, with the subsequent uncontrolled exposures of others due to the asbestos debris left behind.

Furthermore, there is still also a lack of knowledge, and sometimes a lack of will, to act on the part of duty holders regarding the management of asbestos. Therefore, we would certainly like to see an increase in the resources of the enforcement agencies to allow them to more robustly enforce the current regulations.

In the UK there are currently 407 licensed asbestos removal companies. It seems likely that this would be an insufficient number to respond to a rapid increase in workload, which would be the likely outcome of an eradication law.

To help to address the issue, we would support a register of competent, trained surveyors and asbestos analysts. At the moment, there is a list of accredited

surveying companies and accredited analytical laboratories held by UKAS, but there is no register of competent individuals.

BOHS has recently announced the formation of the Faculty of Asbestos Assessment and Management ([FAAM](http://www.bohs.org/faculty-for-asbestos-assessment-and-management-faam/)). It is envisaged that FAAM will provide recognition for competent individuals, allowing duty holders to identify those individuals who are competent to provide advice in these areas.

Asbestos-related disease is the biggest single occupational killer in the UK today, largely due to the uncontrolled exposures experienced by workers in the 1950s, 1960s and 1970s - and even into the 1980s. Our position is, that action should be

taken to prevent asbestos exposure. In particular, BOHS believes that resources should be made available to enforcement agencies to ensure that the current asbestos management regime is implemented in an effective manner, which should lead to the eradication of asbestos in our built environment.

The vast majority of asbestos currently remaining in the UK is asbestos cement, which is generally a low-risk material. Most farms in the UK have outbuildings

constructed using asbestos cement: many factories are also constructed from asbestos cement.

Rather than focus on asbestos eradication, which could lead to a rush for asbestos removal of relatively low-risk materials (which are easier to handle and can be dismantled and removed by non-licensed companies) BOHS believes that the focus should be on increasing the resources available to enforce the management and removal of higher risk ACMs when appropriate, as required by current regulations.

As the Chartered Society for Worker Health Protection, we are delighted that the All-Party Parliamentary Group on Occupational Safety and Health has published this important Paper, which is stimulating debate on the vital subject of exposures to asbestos.

Yours sincerely



Tracey Boyle

BOHS Immediate Past President (2016/17)