

ASBESTOS IN SOIL, MADE GROUND AND CONSTRUCTION WASTE

Joint Industry Working Group Meeting

MEETING No. 4 – HCA Office, London

22nd January 2013, 10.45am – 3.30pm

FINAL

Attendees

NAME	REPRESENTING
Steve Forster - Chair	EIC
Nicola Harries - Secretariat	CL:AIRE
Trevor Howard	EA
Simon Cole	SoBRA
Richard Boyle	HCA
Tom Parker	SAGTA (for Tracy Braithwaite)
Seamus Lefroy-Brooks	AGS
Rob Blackburn	ATAC and ARCA
Jane Tierney	IOM (for Alan Jones)
Colette Willoughby	BOHS
Joanne Kwan	CIRIA
George Kowalczyk	HPA
Kate Brooks	UKAS
Garry Burdett	HSL
Rachael Adams	MoD (on telephone)

Apologies

Tracy Braithwaite	SAGTA
Craig Bell	HSE
Tim Elliott	RICS
Barry Menzies	Erith
John Ferguson	Balfour Beatty Major Civil Engineering
Lee Brownsword	Liverpool City Council

Agenda

1. Welcome and apologies
2. Previous minutes
3. CIRIA Project Manager's update (detailed consideration of CIRIA work to follow)
4. Update from HSE on asbestos-related documents and other activities
 - a. HSG248/CFM WG2
 - b. ACOP
5. Update from Environment Agency on review of waste classification/regulation and permitting
6. Update from BOHS on development of training modules
 - a. Content/Structure
 - b. Programme
 - c. Interface with HSG248, JIWG CoP and existing guidance on contaminated land investigation, sampling and verification
7. JIWG membership update
8. Funding update
9. Revised project programme
10. JIWG Code of Practice – scope and framework
 - a. Proposed Task Group
 - b. Comments on existing structure and thoughts on development
11. Expressions of Interest
 - a. Review of submissions
 - b. Potential author interviews
12. Critique of CIRIA "Guide to managing and understanding the risks of asbestos in soil and made ground".
13. AOB

No.	DISCUSSION	ACTION
1.	<p><u>WELCOME and APOLOGIES</u></p> <p>The chair Steve Forster (SF) welcomed all to the meeting and thanked people for making the time available to meet. Apologies had been received from Barry Menzies, John Ferguson, Tracy Braithwaite, Craig Bell, Tim Elliott, and Lee Brownsword.</p>	
2.	<p><u>PREVIOUS MINUTES</u></p> <p>It was agreed that all actions had been completed or would be addressed through the meeting; however there was an error by not recording that Rachael Adams had sent her apologies for the previous meeting. CL:AIRE to amend and upload a corrected version.</p> <p>Outstanding Agenda Items</p> <p>CL:AIRE to prepare a draft press release for sign off. CL:AIRE had not completed this action as it was felt that a press release would be better to be issued when the final scope had been finalised and the programme agreed.</p>	<p>CL:AIRE</p> <p>CL:AIRE</p>
3.	<p><u>CIRIA - PROJECT MANAGER'S UPDATE</u></p> <p>CIRIA provided an update on the preparation of their "Guide to managing and understanding the risks of asbestos in soil and in brownfield sites".</p> <p>Joanne Kwan (JK) confirmed that a full draft version of the document had been issued and circulated to the JIWG and she welcomed the comments. A Project Steering Group (PSG) meeting had occurred on the 17th January 2013 to discuss some of the points raised and there are still a number of unresolved issues such as the title and length of the document.</p> <p>The completion programme has slipped further; it is now anticipated that a full final draft version of the report will be available for a further round of review and comment 6 weeks after the 25th January 2013 i.e. 8th March 2013, with a further 4 weeks for PSG & JIWG to review. It is therefore anticipated that the final project report will be available in 10 weeks i.e. beginning of April 2013.</p>	
4.	<p><u>UPDATE FROM HSE ON ASBESTOS-RELATED DOCUMENTS AND OTHER ACTIVITIES</u></p> <p>a. HSG248/CFM b. WG2 ACOP</p> <p>Gary Burdett (GB) confirmed that HSG 248 has not moved forward for quite a while. There has been three meeting to discuss Annex 2 and a draft document has been produced. No meetings are planned until the draft report has been revised in light of the comments received from HSE.</p> <p>GB confirmed that HSG 248 is the responsibility of HSE and Working Group 2 are waiting HSE to produce chapters that they can refer to. GB is unsure of the timescale.</p> <p>There was discussion that it is thought that HSG 248 might get published in modular form to allow chapters that are finished to be published, however this could not be confirmed.</p> <p>Due to Craig Bell being absent, SF explained that he had circulated a paper on Licensed and Non Licensed Work. The JIWG are encouraged to provide comment on this draft document. This work will feed into the regulatory flow chart that the Asbestos in Soil Code of Practice will look to cover.</p>	<p>ALL JIWG MEMBERS</p>

The discussion then led onto the legal definition of ACM (Asbestos Containing Materials) and the analytical procedure in HSG 248 for determining this. The current guidance for defining this states that, after careful searching a sample under the stereo microscope for 10 minutes and searching a minimum of two pinch-mount sub-sample preparations mounted in suitable RI liquid at high magnification by PLM/PCM for a further 5 minutes, if during the search only 1 or 2 fibres are seen and identified as asbestos, the term 'trace asbestos identified' should be used. This then means that the material is not defined as asbestos as per the guidance.

It was felt that there needs to be a new, pragmatic approach for the definition of an ACM in the context of soil and C&D arisings that accounts for free fibres and low levels of ACMs. What is acceptable? It is essential that this is resolved so laboratories can analyse and report more accurately than what is occurring at present. Laboratories have stopped recording trace as this leads them into difficulties.

There is a general guide that 0.001%w/w (0.01g/kg) is going to be above trace which is a good starting point which means something then needs to occur, however this needs to be stated in the "official" documents and therefore can be referred to. GB explained that, if, when a laboratory searches for fibres and only 1 or 2 fibres are discovered then this will almost certainly equate to <0.001% w/w, and this is probably as low as one needs to go to quantify, which will help define whether there is a problem or not.

On the one hand, this seems to be a reasonable and sensible approach, though on the other it does not provide any quantitative information on the potential scale of risk from airborne fibres at levels at or below 0.001% w/w. GB suggested that if one can't see ACMs by this method then the chances are that the levels are low and therefore one does not need to quantify.

If above this level then how much of a problem does one have? Experience shows that if asbestos levels are below 0.001% w/w then there is not typically a problem, though it was agreed that this blanket approach does not take into consideration other factors that might increase or decrease the potential risk. There are problems, however, for laboratories as they are using different analytical techniques and they are unsure whether they should or should not be quantifying the amount of asbestos in the soil. Need to agree a pragmatic approach.

The JIWG are keen for the HSL to recommend an approach which can then be referred to in the Asbestos in Soil Code of Practice. The Brownfield Sector need to just know if they have a problem or not and how much of a problem.

There needs to be a simplified process for laboratories to just look for fibres quickly and efficiently to identify if there is or is not a problem. If there is a problem more specialist laboratories then can get involved. HSE needs to be aware that the "Environmental" sector undertakes its work very differently from "Occupational" workers and public. They need to understand what is technically possible when working on a site.

Environmental work will always control risks that are reasonably practicable in line with CDM and CLR11, but a lot of work is undertaken outside of CDM. The way that things are approached on site is through risk assessment. You need to define what is high and low risk so that the procedures and precautions taken are proportional.

	<p>It would be useful if a database of information is gathered on real sites on which remediation works and site investigations are undertaken and what has been measured. This data would need to be submitted anonymously. Could CL:AIRE keep such a database? We need to know theoretical and actual risks. The difficulty in collecting such data is the accuracy and mitigation measures people took to ensure that no fibres are released during remediation work. This would at least demonstrate that for example damping down does work. In addition, historical data might not be very useful due to limitations of the sampling methods used.</p>	
5.	<p><u>UPDATE FROM ENVIRONMENT AGENCY ON REVIEW OF WASTE CLASSIFICATION/REGULATION AND PERMITTING</u></p> <p>SF and NH are planning to meet up with the EA and HSE on 13th February to further explore regulatory issues that need to be resolved. SF confirmed that we are very close to getting agreed wording in a Joint Working Statement that identifies the regulatory areas that need working through with EA and HSE and provides a commitment on trying to resolve such issues.</p> <p>A final draft will be circulated to the JIWG for their information. CL:AIRE to circulate for information.</p> <p>Trevor Howard (TH) explained that an internal “Quick Guide for Waste Classification” had been produced and he would welcome feedback on this. He is also keen on hearing about inconsistencies on enforcements across the industry to help set down internal guidelines. JIWG are encouraged to feed back inconsistencies and ask their industry groups that they are representing. The examples provided would be collated and would help to develop internal guidance that would feed into the Asbestos in Soil COP.</p> <p>One issue that has been raised in regard to the Definition of Waste: Development Industry Code of Practice (DoW COP) is the reuse of material that may contain small amount of asbestos fibre/ACM.</p> <p>TH explained that within the EA they have a discussion group set up on waste and associated issues e.g. asbestos in soil and he will take this issue back to the EA to get some further clarification. This work will then feed into the Asbestos in Soil CoP.</p> <p>It is important that as much material as possible is able to be reused, if deemed to be acceptable, but this needs to be clarified.</p>	<p>CL:AIRE</p> <p>ALL JIWG MEMBERS</p> <p>TH</p>
6.	<p><u>UPDATE FROM BOHS ON DEVELOPMENT OF TRAINING MODULES</u></p> <p>Colette Willoughby (CW) explained that BOHS is planning to develop up to 3 training modules. All 3 will support existing modules. These would be developed in line with the revised HSG 248 being published in November 2013.</p> <p>P408 would follow P401 – Identification, assessment and sample preparation but for asbestos in soil. This would be 1 day training and 1 day exam.</p> <p>P409 – Strategies and sampling of soil following P402. This would be a 2 day course and 1 day exam.</p> <p>Third course would be inspection of soils after remediation.</p> <p>There was then lengthy discussion how these courses would work in light that the revised HSG248 is still not issued and who were these courses aimed at? CW was asked about timeframe. She explained that it is hoped to be developed shortly.</p>	

	<p>There was then discussion on how closely linked these courses are to CLR11, which is the backbone of the contaminated land sector community. CW explained that these courses are all dependent on HSG 248 being ready and published in November 2013. There were concerns from the contaminated land sector that HSG 248, as the draft stands, has large knowledge gaps covering the understanding of the environment industry and how they investigate contaminated land.</p> <p>There was concern that good practice needs to be established first which can then go into HSG 248. It was felt that the issue of dealing with asbestos in soil has not yet been adequately addressed and therefore by offering training courses at this early stage seems premature.</p> <p>The discussion demonstrated that there was opposing thoughts from the contaminated land/brownfield sector and asbestos sector on what needs to be developed regarding training at present.</p> <p>It was agreed that BOHS was well placed to be leading on this due to established asbestos courses but it was felt that this needs to be undertaken in conjunction with the development of the JIWG Asbestos CoP. It was felt that it should be the broad industry to decide what needs to be developed (environmental and asbestos), it needs to be pragmatic and fit for purpose and this will come about as the CoP starts to be developed.</p> <p>There was general support that people need to be adequately trained to identify asbestos in soil, but for environmental practitioners, asbestos is just one of a large suite of potential contaminants of concern. There is a danger in training on just one contaminant and therefore not being aware of other contaminants could be even more harmful. CLR11 is a good framework that can be used in risk-based decision making.</p> <p>It was felt that HSG 248 needs to identify where asbestos is and how to take precautions. It was agreed that asbestos awareness training is something that the JIWG should look to develop but any courses need to be fit for purpose and take into account the “environmental” sector.</p> <p>It was agreed that the JIWG should work with BOHS to look at building training courses that are supported by the EA & HSE.</p> <p>NH to circulate a preliminary list of course headings that had previously been discussed with BOHS.</p> <p>****Post Meeting Note**** CW shared with the JIWG details of the proposed course structure and content.</p>	CL:AIRE
7.	<p><u>MEMBERSHIP</u></p> <p>Lee Brownsword (LB) from Liverpool City Council is unable to commit to attending the JIWG meetings due to financial constraints but would like to remain a corresponding member. It was acknowledged how useful LB had been to date, but leaves the problem of no local authority representation on the JIWG.</p> <p>It was agreed that the representative needs to be a practicing Local Authority representative rather than a policy person. However, due to local authority cuts it may be difficult to get a representative to attend meetings, but it was agreed that between the stakeholder groups already in the JIWG, many have good links with local authorities and the local authority forums to ensure engagement.</p>	

	<p>It was agreed that NH would initially make enquiries through CL:AIRE's links through the Contaminated Land Forums to see if there were any local authorities able to commit to sitting on the JIWG. The difficulty as always with local authority representation is they would only be able to represent their authority rather than all local authorities.</p> <p>It was also suggested that perhaps NH approach the local authority individuals who are the Defra Expert panel as they are deemed to have a lot of experience to Part 2A issues and planning.</p>	<p>CL:AIRE</p> <p>CL:AIRE</p>
8.	<p><u>FUNDING UPDATE</u></p> <p>NH reported that there has not been any further funding committed by stakeholders. No JIWG membership organisations had offered funding other than those already committed. A number of organisations that had committed to supporting the work are yet to have paid their money. NH will keep pressing and looking for further opportunities of financial support.</p>	CL:AIRE
9.	<p><u>REVISED PROJECT PROGRAMME</u></p> <p>SF explained that he has not updated the programme from the last issued, as he explained how it is important to interlock the production of the JIWG Asbestos in Soil Code of Practice with all other pieces of guidance that are currently being worked on. As we had committed to work alongside the production of the CIRIA document and now the CIRIA document will not be completed until April, is it still realistic to look at producing author briefs for end of March? It was agreed to keep to this programme until we know more from CIRIA.</p> <p>Therefore the Asbestos in Soil Code of Practice is still aiming for a draft to be produced for the end of 2013, early 2014 which will tie up with the updating of the HSE guidance in Autumn 2013.</p> <p>This allows for continued dialogue with the EA & HSE to hopefully help steer a way through the regulatory issues that needs to be resolved. The JIWG agreed that the route being taken is a sensible one.</p>	
10.	<p><u>JIWG CODE OF PRACTICE – SCOPE AND FRAMEWORK</u></p> <ol style="list-style-type: none"> a. Proposed Task Group b. Comments on existing structure and thoughts on development <p><u>Proposed Task Group</u></p> <p>It was felt that a small task group made up of JIWG and EIC members should be set up to help SF develop the specification in more detail of the Asbestos in Soil Code of Practice and to use the JIWG for overall sign off.</p> <p>The following individuals have been approached and agreed to help:</p> <ul style="list-style-type: none"> - Richard Boyle – HCA - Simon Cole – URS (representing SoBRA) - Tracy Braithwaite – SAGTA - Rachael Adams – MoD from JIWG - Paul Gribble ALcontrol from EIC Laboratories Working Group - Dave Wood – SAL Ltd from EIC Laboratories Working Group <p>It is hoped that by spending time upfront on developing and agreeing the specification and scope, and JIWG members discussing the key issues, it is hoped that the author's briefs will be tight and prevent the scope of the document getting unwieldy.</p>	

	<p><u>Comments on Existing Structure and Thoughts on Development</u></p> <p>It was disappointing that only a few members of the JIWG membership and their member organisations were able to identify the key issues that need to be addressed by the Asbestos in Soil Code of Practice. It was agreed that those that had not replied will do so by 15th February 2013. All were requested to canvas their members and report back.</p> <p>It was suggested that focus groups are set up to review the key issues that people felt needed to be addressed under the following headings. Each member of the JIWG to feed into the different sections that are being led by JIWG members and to canvas their members as well to ensure it is as cross sector as possible:</p> <ul style="list-style-type: none"> A. Investigation & Monitoring – Seamus Lefroy-Brookes B. Laboratory Analysis – Rob Blackburn D. Waste Management – Barry Menzies E. CAR 2012 & EPR 2010 – Tracy Braithwaite <p>The Focus Groups need to identify the issues, why they are issues and then suggest ways that the issues can be resolved. Group C – Human Health Risk Assessment has already replied.</p> <p>It was also requested that the focus groups review different work categories that are undertaken as part of people's everyday work and list them under "Licensed Work Activity, Notifiable Non-Licensed Work activities and non licensed work activities". It was confirmed that there were some activities that were ambiguous and needed clarification from the HSE. This would help the JIWG Asbestos in Soil Code of Practice focus on areas that needed clarification.</p> <p>Again it was asked that all members of the JIWG could ask their member organisations and feed into the focus group leaders by 15th February 2013 NH to circulate templates to be used and the JIWG contact details.</p>	<p>ALL JIWG</p> <p>All JIWG</p> <p>All JIWG</p> <p>CL:AIRE</p>
11.	<p><u>EXPRESSIONS OF INTEREST</u></p> <p>SF confirmed that 51 people had submitted expressions of interest to be involved in authorship which is very encouraging.</p> <p>The submissions were reviewed and a number discounted on the basis of the quality of the submission. 40 submissions have passed to the next review stage. It was agreed that a short telephone interview would be useful in the case of persons unknown to the JIWG in order to confirm the breadth of technical expertise on offer.</p> <p>It was agreed to develop a crib sheet to assess technical ability and how the authors wish to contribute. Those individuals that passed the cut would be invited to choose their top 3 areas to which they would wish to contribute and these will be ranked in order, as many people indicated knowledge and expertise in a lot of areas.</p> <p>After we receive the ranked preferences and map these across the key knowledge areas, it will be possible to map out author teams for specific chapters/sections. In addition, it will be possible to identify where areas may be light in expertise. If this is the case, additional people who are known to</p>	<p>NH</p>

	<p>have specific expertise in industry but may not have submitted an EOI may be approached directly.</p> <p>The JIWG felt that this was a sensible approach.</p>	
12.	<p><u>CRITIQUE OF CIRIA “GUIDE TO MANAGING AND UNDERSTANDING THE RISKS OF ASBESTOS IN SOIL AND MADE GROUND”</u></p> <p>CIRIA acknowledged the time and effort that JIWG members had made in reviewing the draft document. They also acknowledged that SAGTA has issues with parts of the document and that the document was still not complete, which makes it hard to review properly.</p> <p>The JIWG acknowledged that a lot of work had gone into preparing the report but it was felt that it was too long. It did not feel that the title should include management; it was an excellent compendium – state of knowledge and information about asbestos in soil. It was felt that the document lacks context. It was felt that the aim of the guide had been lost and the authors should revisit p16 section 1.1 detailing the aims of the guide.</p> <p>This could help focus which parts of the report are relevant and to remove the rest. It was acknowledged that a large amount of work had been undertaken but it is too unwieldy as it is and very difficult to read and follow. There was concern that another very large document could get published that has not fully addressed the issues at hand. A lot of time and effort had gone into reviewing the document but it was felt that there is still a long way to go until it is anywhere near finalised.</p> <p>The JIWG thought that CIRIA need to make some basic decisions quickly to guide the research contractor on what should stay in the document. Perhaps an agreed structure needs to be presented and any additional information that has been collected gets passed to the JIWG so that this information is not lost.</p> <p>The JIWG felt that it was difficult to see how the guide can help demonstrate if the site is suitable for use which is what should be expected by the title of the document. The JIWG are keen to ensure that the two asbestos projects (CIRIA and JIWG) are as integrated as possible. Peer reviewing each other’s reports should enable this to be achieved.</p> <p>CIRIA acknowledged that there were some discussions as to the title of the CIRIA document in the PSG meeting on the 17th January. However, the PSG agreed that the CIRIA report represents ‘state of knowledge and information about asbestos in soil’. The report should be able to help people to manage sites known or suspected to have asbestos in soil. The gaps in current knowledge are highlighted in the conclusions and recommendations section. CIRIA reminded the JIWG that the draft contents list was discussed at the first PSG meeting.</p> <p>In addition to this, CIRIA PSG has had several discussions about what should stay in the report and there is a common consent on the current structure and scope.</p> <p>CIRIA confirmed that every comment that is made on a report during drafting is reviewed and a comment is provided back by the research contractor, either accepting the comment or rejecting with a reason. This ensures all comments are addressed and there is a transparent review process. There was concern from the JIWG about the time that this will take especially as there were so many review comments. CIRIA confirmed that it is not unusual to have to deal with large numbers of comments. Their transparent review</p>	

	<p>process for logging and addressing comments has been applied successfully in reviewing most of their reports.</p> <p>It was agreed that it was important to capture what is not being covered by the CIRIA guide that needs to be covered by the JIWG Asbestos in Soil Code of Practice and this should be made clearer in the document.</p> <p>It was agreed that the CIRIA guide and the JIWG Asbestos in Soil Code of Practice should complement each other and the CIRIA guide should highlight areas that it can't answer.</p> <p>JK offered for JIWG members to meet and discuss further how the CIRIA guide can be amended in the areas of most contention. JK and NH to consider how best to address this offer in terms of timing and JIWG member participation if needed.</p>	JK & NH
12.	<p><u>AOB</u></p> <p>Simon Cole (SC) of SoBRA asked the JIWG whether SoBRA's summer workshop could be on asbestos in soil risk assessment which could be used to help formulate the debate. Each workshop produces a workshop report which could help the JIWG report. It was agreed that SoBRA would be a useful forum.</p> <p>It was agreed that SC would go back to SoBRA executive committee to find out more details.</p>	SC
13.	<p><u>NEXT MEETING</u></p> <p>It was agreed that the next meeting should be in April 2013. NH will circulate some suggested dates using Doodle.</p>	NH