

ASBESTOS IN SOIL, MADE GROUND, DEMOLITION AND CONSTRUCTION MATERIALWASTE

Joint Industry Working Group Meeting with HSE and EA

MEETING No. 5 – CL:AIRE's Office, 32 Bloomsbury Street, London WC1B 3 QJ

1st October 2013

FINAL

Attendees

NAME	REPRESENTING
Steve Forster – Chair of JIWG	EIC
Nicola Harries - Secretariat	CL:AIRE
Trevor Howard	EA
Craig Bell	HSE
Dave Hammond	DoT
Keith White	VCA

Apologies

Keith Bailey Defra REACH Team

Agenda

1. Waste Classification
 - a. Revised guidance on hazardous waste - WM2 v3, 2013
2. Recycling of Asbestos Contaminated Soil and C&D Materials
 - a. JIWG discussion paper on waste and permitting issues – feedback from EA
3. HSE Guidance on Demolition – Dealing with Buildings that Contain Asbestos - ALG 02/08
 - a. Meeting with ALU
4. HSE Guidance on Worker Protection from Asbestos in Soils – HSG 248 Annex (CFM WG2 Task Group)
 - a. Update on progress
5. Laboratory analysis
 - a. CAR 2012 definition of asbestos/HSG248 definition of 'trace'/*de minimis*
 - b. HSE position on quantification and ISO17025
 - c. SCA Blue Book method
6. REACH and asbestos in recycled construction materials
 - a. JIWG discussion paper on REACH issues – feedback from Defra
7. CDG/ADR and asbestos in recycled construction materials and wastes
 - a. JIWG discussion paper on transport issues – feedback from DfT/VCA
8. UK background concentrations – air/soil
9. AOB
10. Next Meeting

No.	DISCUSSION	ACTION
	<p><u>Introductions & Apologies</u></p> <p>Steve Forster (SF) chair of the JIWG welcomed Dave Hammond (DH) and Keith White (KW) who are new to the JIWG regulatory meetings. Apologies were received from Keith Bailey; the others introduced themselves. SF provided a brief update on the purpose of the meetings to DH & KW explaining that there are a number of inconsistencies in how people deal with asbestos in soil, made ground and construction & demolition materials and the purpose of this meeting is to highlight the inconsistencies, map a route through the different issues and try and get agreement with the regulators. This will then allow practitioners who follow the industry code of practice to stay within the regulations and avoid prosecution.</p>	
1.	<p>Waste Classification</p> <p>a. Revised guidance on hazardous waste - WM2 v3, 2013</p> <p>TH has nothing additional to add from the last meeting. The EA waste team would welcome a pragmatic approach being proposed by the JIWG to try and address the issues that the JIWG perceive are causing inconsistencies in waste classification.</p>	SF & JIWG
2.	<p>Recycling of Asbestos Contaminated Soil and C&D Materials</p> <p>a. JIWG discussion paper on waste and permitting issues – feedback from EA</p> <p>TH has not heard back from his colleagues in permitting about clarification of the two sets of permitting requirements (Local Authorities permitting & EA permitting) and why there are inconsistencies with relation to asbestos levels. TH will seek clarification and report back.</p>	TH
3.	<p>HSE Guidance on Demolition – Dealing with Buildings that Contain Asbestos - ALG 02/08</p> <p>a. Meeting with ALU</p> <p>SF confirmed that he has not spoken to the new head of the Asbestos Licensing Unit but plans to do so in the very near future.</p>	SF
4.	<p>HSE Guidance on Worker Protection from Asbestos in Soils – HSG 248 Annex (CFM WG2 Task Group)</p> <p>CB confirmed that that HSE aim to produce a draft HSG 248 for comment and consultation in December 2013.</p>	
5.	<p>Laboratory analysis</p> <p>a. CAR 2012 definition of asbestos/HSG248 definition of ‘trace’/de minimis</p> <p>b. HSE position on quantification and ISO17025</p> <p>c. SCA Blue Book method</p> <p><u>CAR 2012 definition of asbestos/HSG 248 definition of ‘trace’/de minimis</u></p> <p>CB re-confirmed that their position from the last meeting has not changed and there is unlikely to be a de minimis level that would be accepted in legislation and there is very little chance of CAR being amended.</p> <p><u>HSE Position on Quantification</u></p> <p>CB explained that HSE would be happy if industry developed a more stringent accreditation system with UKAS in relation to quantification however HSE will not require it. HSE can only enforce against the law.</p>	

	<p><u>SCA Blue Book Method on Asbestos in Soil</u></p> <p>SF confirmed that Hazel Davidson is chairing the SCA working group and they have a number of volunteers engaged from most of the laboratories that have UKAS accreditation for quantification and some additional practitioners from consultancies. TH asked if the EA's NLS were represented; SF confirmed not at the moment. TH to get in touch with EA NLS and revert back to the meeting.</p> <p>The SCA Asbestos in Soil working group is looking to develop a unified approach for laboratories testing soils, made ground and C&D materials for asbestos and will also look at developing a standardised reporting method. The laboratories involved in this work do need industry to come together and decide what they actually need from the laboratory method. What will the results be used for, how will they inform their work? This needs to feed into the SCA working group to ensure what they develop is fit for purpose.</p>	TH
6.	<p>REACH and asbestos in recycled construction materials</p> <p>a. JIWG discussion paper on REACH issues – feedback from Defra</p> <p>NH informed the meeting that Keith Bailey has confirmed that Defra REACH team is working on a response to the discussion paper that had been forwarded to them. NH to chase a response.</p>	NH
7.	<p>CDG/ADR and asbestos in recycled construction materials and wastes</p> <p>a. JIWG discussion paper on transport issues – feedback from DfT/VCA</p> <p>KW pointed out that the United Nations Recommendations on the Transport of Dangerous Goods, Model Regulations do not cover road transport, this being covered directly by ADR - the European Agreement concerning the International Carriage of Dangerous Goods by Road.</p> <p>ADR has adopted the same structure and is consistent with that of the UN Model Regulations and is implemented in the UK by The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009, ("CDG 2009", or CDG),</p> <p>KW confirmed that there is no <i>de minimis</i> for asbestos under CDG. For all classifications of substances there is a fixed naming convention under ADR. . KW explained that there are often things that do not fit into the rigid naming convention which KW believes asbestos in soil falls into. When ADR was prepared, asbestos in soil would not have been considered.</p> <p>KW confirmed that there is no provision in ADR for transportation of bulk materials containing asbestos. The provision in ADR for transportation of asbestos containing materials refers to United Nations (UN) approved bags/certified containers. It was discussed how this was totally inappropriate when needing to transport large volumes of soil containing asbestos, for example.</p> <p>CB was asked how the HSE Carriage of Dangerous Goods Manual 2007 fits into ADR and CDG? CB confirmed that HSE no longer has responsibility for enforcement of the Transport of Dangerous Goods but would look into this and report back.</p>	CB

	<p>KW suggested that the JIWG could potentially write a paper and submit to the UN to demonstrate how asbestos in soil does not have an appropriate classification and therefore to suggest its own transportation and packing condition that would be both pragmatic and precautionary of public health. This then would be automatically adopted under ADR and CDG.</p> <p>An alternative route would be to bypass the UN and go straight to ADR as this applies to European transportation only. It would be useful if the JIWG could get confirmation from other European countries how they transport bulk materials that contain asbestos, then collectively an approach is made to ADR with a proposal.</p> <p>KW suggested that it would be helpful to put forward a safety case with knowledge from the industry to what can realistically be carried out. Different sizes of loads need to also be identified for different scenarios as this is how the UN numbering system works.</p> <p>If the JIWG were to take this approach KW would be happy to advise.</p> <p>KW was made aware that Asbestos Removal Contractors Association and National Federation of Demolition Contractors have produced guidance on transportation of asbestos wastes. It would be very helpful if KW could review and provide comment to the JIWG in relation to these two documents as the JIWG needs to signpost to industry guidance that is correct. KW agreed to review.</p> <p>KW confirmed that the UN Sub – Committee of Experts on the Transport of Dangerous Goods AC10/C.3 that deals with this issue meets biennially in June and December, for this item to be tabled next June, the proposal needs to be developed for Mid - March 2014.</p> <p>If the issue is just road transport, then the Working Party on the Transport of Dangerous Goods WP.15 might be more appropriate and this could be discussed at the next meeting in March 2014 although any formal paper would be required before December 20th 2013.</p> <p>JIWG to consider its options.</p>	<p>KW</p> <p>JIWG</p>
8.	<p>UK Background Concentrations Air/Soil</p> <p>SF confirmed that an outline proposal had been sent to Defra to help support the JIWG work by undertaking a national asbestos background survey of air and soil and other research requests put together by SoBRA. We wait to hear if this is to be supported.</p>	
9. & 10	<p>AOB & Next Meeting</p> <p>NH to send round a Doodle for potential meeting dates in January 2014.</p>	NH