

ASBESTOS IN SOIL, MADE GROUND AND CONSTRUCTION AND DEMOLITION MATERIAL

Joint Industry Working Group Meeting with HSE and EA

MEETING No. 7 – Teleconference

3rd November 2014

FINAL

Attendees

NAME

Steve Forster – Chair of JIWG
Nicola Harries - Secretariat
Craig Bell
Trevor Howard

REPRESENTING

EIC
CL:AIRE
Health and Safety Executive (HSE)
Environment Agency

Agenda

1. Update from HSE

- HSG 248
- Publication of ACOP
- Carriage of Dangerous Goods
- ALG 02/08

2. Update from EA

- Update on change of personnel

3. Update from JIWG

- Managing and Working with Asbestos in Soil, Construction and Demolition Material Guide
- Liaison with LAs, CLG & Planning Inspectorate
- Background Research Project
- SoBRA Risk assessment framework
- Next regulators teleconference

No.	DISCUSSION	ACTION
	All were welcomed and thanked for their time.	
1.	<p>HSE <u>HSG 248</u> Craig Bell (CB) confirmed that he has been discussing internally with their occupational specialist regarding the updating of HSG 248 – Analysts Guide and the specialist is hoping for internal circulation within HSE in December 2014 therefore publication will be 2015. CB agreed to keep people updated.</p> <p><u>ACOP L143</u> CB confirmed that printed version of the (slightly amended) ACOP L143 will be available in December. The only changes relate to ventilation of asbestos removal enclosures.</p> <p><u>CDG</u> CB confirmed that colleagues are still waiting to hear from Department of Transport (DoT) for clarification on advice provided by HSE website regarding transportation of asbestos containing materials. CB confirmed that he will follow up DoT.</p>	<p>CB</p> <p>CB</p>

	<p><u>ALG 02/08</u> Steve Forster (SF) discussed that the HSE Web Communication Forum has recently clarified that ALG 02/08 is no longer current. SF asked CB whether there could be an official retraction of the document as some in industry are still quoting its use. CB confirmed that he will speak to the head of the Licensing Unit who is responsible for ALG memos to see if a clarification statement can be added to the website.</p> <p>CB explained that HSE are currently looking at updating the Licensed Contractors Guide and as part of this exercise will be reviewing what information currently contained in the memos should be moved to the updated guide. This activity is planned for 2015. HSE will continue to review its guidance to ensure that it is still required and, if so, if it can be shortened or made easier to understand, etc. ALG Memos are not official guidance – HSE will continue to review arrangements to see if there are alternatives to hosting them on its website.</p> <p><u>General Matters</u> CB confirmed that HSE had recently started a “Beware Asbestos” campaign targeted at small traders. They have developed an App for people to download free of charge onto smart phones. It provides practical guidance and instructions on what to do if asbestos is found. CB confirmed that the campaign will last 6 months with the App continuing to be available, updated and amended when required. Details can be found at:</p> <p>http://www.beware-asbestos.info/</p>	CB
2.	<p><u>Environment Agency</u> <u>Changes within the EA personnel</u> Trevor Howard (TH) confirmed that the EA are still going through a restructuring and reorganisation, however it is slightly behind schedule. TH confirmed that he and Matt Whitehead (MW) are in the land management team and to use TH as the point of contact for this initiative. Due to the restructuring it is difficult to get colleagues in other disciplines to review information as they are unsure of their positions in the organisation. It is anticipated that all positions will be confirmed by Christmas 2014.</p> <p>TH confirmed that the production of guidance within the EA has been put on hold whilst restructuring. TH confirmed as part of the government initiative “Better Regulation” the EA are being required to review all its guidance and reduce the volume by 80%, with the remaining being archived. Therefore as part of this review process all guidance is at risk.</p> <p>By industry producing guidance it is less impacted by political change.</p> <p><u>POST MEETING</u> TH confirmed that in June 2015 a new European regulation will make minor amendments and additions to the List of Waste (EWC). This will introduce hazardous waste criteria based on the new Globally Harmonised System for chemical classification and introduce persistent organic pollutant (POP) criteria to hazardous waste.</p> <p>Therefore a new WM3 will be produced to replace WM2 to accompany this. The EU legislation is currently being finalised and a consultation is now open. Information can be obtained from:</p> <p>https://consult.environment-agency.gov.uk/portal/ho/waste/tech/guidance</p>	
3.	<p><u>Update from JIWG</u></p>	

Managing and Working with Asbestos in Soil, Construction and Demolition Material Guide

CB confirmed that he has not been able to review in detail the draft document that has been forwarded. He reiterated that the format needed to be altered to how it is currently presented. SF confirmed that the formatting is not a problem it was prepared that way for ease of preparation and reviewing to see which clauses had been changed substantially from the L143 ACOP and guidance.

CB acknowledged that SF had had an attempt at defining what activities (work on asbestos-contaminated soils and C&D materials) were licensable and notifiable, non-licensable and notifiable and non-licensable, however HSE will need some evidence to substantiate these decisions by demonstrating what level of exposure to asbestos workers were likely to be exposed to. CB was aware that JIWG through SoBRA's initiative are working on providing data to help substantiate these decisions. It was acknowledged that the regulation of and controls on working with asbestos-contaminated soil and C&D materials must not be disproportionately greater than when compared to working on asbestos in buildings.

One of the key outputs of the work will be a table and flow chart which will assist clients and their advisors in determining what works will most likely need to be undertaken by a licensed asbestos removal contractor (LARC) and which may not. It was agreed that whilst clients ultimately have a duty to show due diligence and hire contractors who are competent to do the work required, LARCs and/or non-licensed contractors could provide advice on this. Contractors have the responsibility to notify works to the Enforcing Authority and to ensure that, where a licence to work on asbestos is required, that they hold one, and that the work is done safely. The difficulty is that most LARCs and non-licensed contractors are used to working in buildings. It is important, therefore, that pragmatic advice on working with asbestos-contaminated soils and C&D materials which differs from advice on working with asbestos in buildings is presented in a clear manner.

CB confirmed he would look at the work that has currently been drafted and confirm when he will be able to respond.

Liaison with LAs, CLG and Planning Inspectorate re: demolition and prior removal of asbestos materials

CB & TH acknowledged receipt of the draft paper produced by SF and a number of LA representatives who felt that it was important to liaise with CLG with regards to trying to address some of the poor practices that are undertaken on site when removing asbestos from buildings. It was hoped that by specifying specific conditions to ensure better documentation was collected and submitted as part of the planning application, better understanding of what is left on site for future users/developers on site would occur and therefore help speed up development process.

CB & TH suggested that they understood why this was being proposed but it could be seen as adding red tape and duplication of work which runs counter to Government policy.

CB & TH suggested that it would be advantageous to specify what the minimum essential information that was needed to be handed over to allow people to make informed decisions about the site.

TH wondered if there would be an alternative way of presenting this suggestion. Could it be a voluntary system with support of industry groups such as CIEH, CECA & NFDC?

Any new legal requirements would be rejected out of hand due to the deregulatory agenda.

CB confirmed that he would review and ensure that CAR is correctly referenced.

CB

CB

SF confirmed that this draft paper had also been sent to NHBC & HCA for their comment and he would be presenting at the main JIWG meeting. After receiving this feedback, it will be decided how best to proceed.

Background Survey

NH confirmed that the background levels of asbestos in urban and rural soils research project is now progressing, discussions are still being undertaken to finalise the scope and confirming the funding with Defra. One aspect of the research is to avoid former processing and manufacturing plants in England and Wales. Anecdotally it was believed that over 100 plants existed but from the Department of Environment Industry Profile report it only highlighted a fraction of these. Were EA or HSE aware of anything more up to date?

TH confirmed that the 2002 State of Contaminated Land Report identified 70 asbestos manufacturing sites. This information was provided by Landmark. TH agreed to send a link to the report.

SF also explained that the research project would also like to avoid all naturally occurring asbestos as well. Do HSE and EA know of any sources of information that could help with this? Neither was able to assist.

SoBRA Risk assessment framework

SF confirmed that Simon Cole (SC), Garry Burdett and himself recently met to develop the outlines of a framework for assessing risk on site when working with asbestos in soil. It is a screening tool that is built along the same thought process of assessing risk with asbestos in buildings. It aims to be practical and pragmatic and has a scoring system for a number of different scenarios that might occur when working with asbestos in soil.

CB asked if it could be used as a preliminary screening tool if there is suspicion of asbestos being present and how to deal with it. SF confirmed it would be used only as a screening tool prior to any detailed quantitative risk assessment. It is hoped that it could be used for different land uses.

SF confirmed that SC will provide more detail on the framework at the next main JIWG meeting and get their feedback.

It was confirmed that whatever tool gets produced, it needs to be practical and proportionate to the risk. It was acknowledged at a recent conference that asbestos in soil should not be treated as a higher risk activity than how asbestos in buildings is dealt with.

Next regulators teleconference

It was agreed that the next regulators meeting should be End of January 2015/Early February 2015. NH will arrange.

TH

NH