

# **ASBESTOS IN SOIL, MADE GROUND AND CONSTRUCTION WASTE**

## **Joint Industry Working Group Meeting with HSE and EA**

### **MEETING No. 6 – Teleconference**

**6th August 2014**

**FINAL**

#### **Attendees**

##### **NAME**

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

##### **REPRESENTING**

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

#### **Agenda**

##### **1. Update from HSE**

- HSG 248
- Publication of ACOP
- Carriage of Dangerous Goods

##### **2. Update from EA**

- Changes within the EA personnel
- Position Statement changes
- Consistency of Permitting between EA guidance and LAs

##### **3. Update from JIWG**

- Liaison with planners re: demolition and prior removal of asbestos materials
- Discussion with ALU - Archie Mitchell
- Asbestos in Soil L143 version
- Potential Authors requests
- Background Survey
- CIRIA
- Next full JIWG meeting
- Next regulators teleconference

No.	DISCUSSION	ACTION
	All were welcomed and thanked for their time.	
1.	<p><b>HSE</b>  <b><u>HSG 248</u></b>            Craig Bell (CB) confirmed that he has been discussing internally with their occupational specialist regarding the updating of HSG 248 and unfortunately the specialist's attention to other priority work has meant that he has been unable to make progress on the draft. CB agreed to keep people updated.</p> <p><b><u>ACOP</u></b>            CB confirmed that the amended FINAL ACOP has been published as a PDF only at present as they are currently seeking clarification of the wording of one paragraph. It is aimed that this point of clarification will be resolved in September 2014 and it is anticipated that the printed version will be available for purchase in October 2014.</p> <p><b><u>CDG</u></b>            CB confirmed colleagues are looking into advice provided on HSE website regarding transportation of asbestos containing materials to ensure that it is up to date and in line with Department of Transport (DoT) – Vehicle Certification Agency guidance. Currently an amended passage has been sent to DoT for approval. It is hoped that approval will take approximately 4 weeks.</p> <p><b><u>HSE Position on Quantification</u></b>            Steve Forster (SF) informed CB that Environment Industries Commission (EIC) has recently written to UKAS again for clarification on accreditation requirements for the analysis of soil samples for asbestos content. UKAS have confirmed that they have raised the issue with HSE.</p> <p>CB was not aware of this correspondence but will provide comment when required.</p>	<p>CB</p> <p>CB</p>
2.	<p><b>EA</b>  <b><u>Changes within the EA personnel</u></b>            Trevor Howard (TH) confirmed that the EA are currently going through a restructuring and reorganisation. The higher level structure has recently been finalised but it will mean that personnel that TH had as contacts within his asbestos "virtual internal circle" will have changed. TH confirmed that he will remain the main point of contact for the JIWG. TH will be working closely with Matt Whitehead (MW) as well who is working in the contaminated land team.</p> <p><b><u>Position Statement changes</u></b>            TH and MW confirmed that they were not aware of any changes within the EA position statement with respect to waste classification. They confirmed that WM2 is still the core guidance relating to waste classification. Nicola Harries (NH) reported that she had been asked the question of whether waste that contained small amounts of asbestos has now been categorised as non hazardous. NH would try and provide further clarification to the EA so that they can investigate.</p> <p><b><u>Consistency of Permitting between EA guidance and LAs</u></b>            TH confirmed that it is acknowledged that there are two regimes that require permitting and according to regulators from EA and LAs there does not appear</p>	

	to be a problem with the two systems working in parallel.	
3.	<p><b>Update from JIWG</b>  <b><u>Liaison with planners re: demolition and prior removal of asbestos materials</u></b></p> <p>SF asked whether the EA could assist the JIWG with liaison with planners through their sustainable places team. The JIWG would like to talk to planners &amp; CLG about how to prevent new contamination by asbestos getting into demolition /recycled materials. If it was possible for planners to request that all those responsible for demolition as part of their planning conditions were required to submit a pre demolition survey to provide evidence that all asbestos material has been removed in accordance with the regulations, and that the report was stored within the planning portal for subsequent developers to access, this would help the development sector hugely. TH felt although he understood the idea, the current government is keen to reduce regulatory burden and conditions as part of planning. Therefore it needs to be demonstrated that by changing the current process it will ultimately save developers time and therefore money. It is also important to not duplicate regulations. If regulatory controls are already in place, additional controls will unlikely be permitted. Currently the HSE require an asbestos survey be undertaken and asbestos to be removed prior to demolition but the regulations do not stipulate that this survey be presented anywhere for developers to access subsequently.</p> <p>Prior to demolition and the creation of recycled aggregate, it would be useful to know that this aggregate is free from asbestos containing materials.</p> <p>Currently there is no interface between removal of asbestos and development sector. CB confirmed that he would identify how HSE liaise with CLG and report back.</p> <p>SF explained by providing additional paperwork, it would help streamline the development process, reduce delays and claims and ultimately promote growth. This may be something that EIC could raise directly with CLG.</p> <p><b><u>Discussion with ALU - Archie Mitchell</u></b></p> <p>SF explained that he recently met the Asbestos Licensing Unit (ALU) to discuss the work of the JIWG. They confirmed that memo 02/08 has officially been withdrawn and are looking at ways to inform the industry that this is the case.</p> <p>SF explained the plans for the development of managing asbestos in soil- interpretation of CAR2012 to assist industry. This was welcomed and HSE will look at ways of possible acknowledgment/endorsement once the final document is produced. ALU explained that it is important to categorise different site processes that are licensable. SF explained the work of SoBRA who have produced a protocol so evidence can be collated and the plan to engage with industry more widely to work together gathering this data. ALU welcomed this.</p> <p><b><u>Potential Authors requests</u></b></p> <p>NH confirmed that some potential authors of the Asbestos in Soil Code of Practice have been approached with a view to give the go ahead of some chapters in September 2014. This is for the more straight forward chapters.</p> <p><b><u>Background Survey</u></b></p> <p>NH confirmed that the background levels of asbestos in urban and rural soils research project is now progressing. Discussions are currently being undertaken to finalise the scope and it is hoped contracts will be awarded in October 2014.</p>	CB

	<p><b><u>CIRIA</u></b>  NH informed the HSE and EA that they have been made aware that CIRIA are planning the development of a site guide for asbestos in soil. It is unclear what this is going to cover but NH confirmed that it is not part of the JIWG Asbestos in Soil Code of Practice.</p> <p><b><u>Next full JIWG meeting</u></b>  NH informed all that the next full JIWG meeting is planned for the 5<sup>th</sup> November.</p> <p><b><u>Next regulators teleconference</u></b>  It was agreed that the next regulators meeting will be by teleconference on 3<sup>rd</sup> November 2014.</p>	
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