



MANAGING ASBESTOS

Introduction

Asbestos is the **greatest single cause of work-related deaths** in the UK and it is a priority for HSE to reduce the number of deaths caused by occupational exposure to asbestos.

The revised asbestos regulations came into force on 13th November 2006 which now includes the 'duty to manage asbestos' for people responsible for non-domestic premises. This is directed at the people with responsibility for protecting others who work in such premises, or use them in other ways, from the risks to ill-health that exposure to asbestos causes.

The 'duty to manage' part of the regulation requires you to :

- take reasonable steps to find asbestos-containing materials in premises and check their condition;
- presume materials contain asbestos unless there is strong evidence to suppose they do not;
- keep an up-to-date written record of the location and condition of asbestos-containing materials;
- assess the risk of exposure to asbestos-containing materials;
- Prepare and put into effect a plan to manage the risk.

HSE has produced guidance for duty holders including a simple six-step process to managing asbestos in buildings. This is available direct from the HSE web site

<https://www.hse.gov.uk/pubns/indg223.pdf>

The financial costs can also be significant where companies fail to manage asbestos. In September 2018, Kent County Council was fined £200,000 for exposing primary school staff to Asbestos because, as the employer under the Health and Safety at Work Act, it had failed to ensure employees liable to be exposed to asbestos had been trained adequately. On 6 November 2014, environmental health officers from the council were carrying out a routine food inspection of the school's kitchen when they found asbestos rope hanging from the ceiling.

An investigation by the HSE found that the school's caretaker, on the apparent instructions of the then headteacher, had disturbed an asbestos flue pipe and an asbestos rope gasket while removing an air steriliser in May 2013 to make way for a freezer. Kent pleaded guilty to breaching reg 10(1) of the Control of Asbestos Regulations.

Under the sentencing guidelines, Judge Heather Norton said the case was medium culpability, harm category 3. Dealing with the council as a large organisation, she reduced the starting point from £400,000 to £300,000 "given that the cost will ultimately, even if not immediately, fall to the residents to pay". She awarded a full discount for the council's early guilty plea and fined it £200,000 with full costs of £21,501 to be paid.

The management of asbestos is relevant to the majority of BFFF members. HSE has developed significant useful guidance on their web site to guide businesses in the area of asbestos. They are available through the web link: <http://www.hse.gov.uk/asbestos/index.htm>

Furthermore, detailed guidance on the duty to manage asbestos can be found in the approved code of practice 'Managing and working with Asbestos'. (L143. Second Edition., published 2013) available from HSE Books: <https://www.hse.gov.uk/pubns/priced/l143.pdf>



British Frozen Food Federation

Registered Office: Warwick House, Unit 7, Long Bennington Business Park, Main Road, Long Bennington, Newark, Nottinghamshire NG23 5JR

Tel: 01400 283090

Fax: 01400 283098

Websites: www.bfff.co.uk

www.freshfromthefreezer.co.uk

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