

THE DUTY TO MANAGE ASBESTOS CAMPAIGN UPDATE

INTRODUCTION

Welcome to this the second edition of 'Asbestos Campaign News'. In our first edition, issued in March 2001, I provided an insight into HSE's plans to introduce and promote a new explicit regulation to manage the risk from asbestos in premises, with an emphasis on the promotion campaign.

This issue looks to build on that, providing you, our 'Partners', with an update on current and planned developments on both the Regulation and the associated Campaign.

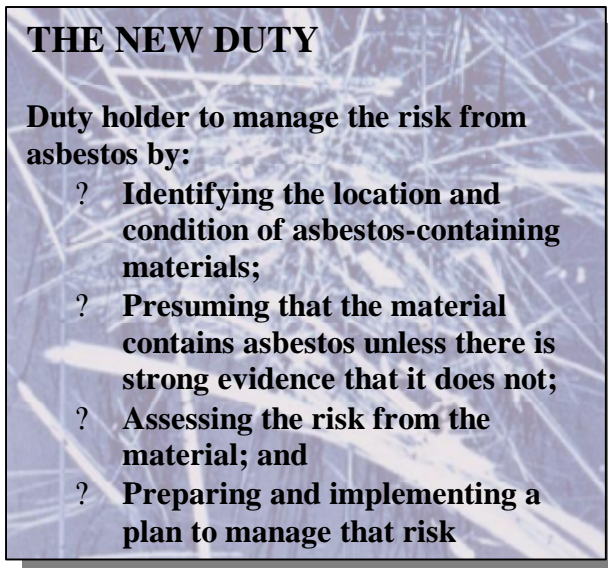
THE REGULATIONS

Firstly a reminder that the outcome of last years consultation on the new Regulation to manage the risk from asbestos encouraged the need to reconsider two key points. These were in relation to the identification of the 'duty holder' and extending the scope of the regulation beyond 'workplace premises'.

Both of these issues have been the focus of detailed consideration over the past months with the aim of arriving at a revised draft document suitable for re-consultation.

The 'Duty Holder' Issue

In the original proposals the 'duty holder' was identified as the 'employer in



THE NEW DUTY

Duty holder to manage the risk from asbestos by:

- ? **Identifying the location and condition of asbestos-containing materials;**
- ? **Presuming that the material contains asbestos unless there is strong evidence that it does not;**
- ? **Assessing the risk from the material; and**
- ? **Preparing and implementing a plan to manage that risk**

control of premises which they occupy and in which people work'. Comments received pointed out that this definition would not cover many situation where others such as owners and managing agents exercise control over buildings. Unless the 'duty holder' is appropriately defined in the Regulation implementation difficulties would inevitably arise.

The HSE has developed a revised proposal that seeks to address the concerns raised. It is now proposed to place the duty on the employer to **ensure** that the requirements of the regulation are carried out whilst introducing a duty on all other parties who have, by virtue of any contract or tenancy, an obligation to **co-operate** to enable the employer to meet those requirements. These parties might include owners of buildings, managing agents, surveyors, architects and others.

The intention is to “go with the grain” of the existing legal, financial and practical obligations.

The 'Scoping' Issue

HSE is currently developing its proposals to extend the duty to cover the rented domestic sector. However, it recognises that a number of complex issues still need to be resolved, and that there is a need for a much wider consultation with interested parties before proposals could be made for the Regulation to apply to this sector. For this reason HSE will ‘de couple’ the rented sector from the ‘duty to manage’ proposals for the time being.

Use of Accredited Laboratories

HSC will take the opportunity of the re-consultation exercise to seek views on a new proposal relating to the use of accredited laboratories in the analysis of materials for the identification of asbestos. The proposal would require employers who use laboratories to ensure that they are accredited by the

United Kingdom Accreditation Service, as complying with the standard ISO 17025. A two year lead in period is proposed.

Next steps

HSC is expected to enter into a further three month period of consultation from October 2001 on the revised proposals for **non domestic premises**. The Consultative Document will be available on the HSE website, with hard copies being distributed to those organisations on HSE's current consultation list, including those that have volunteered to support the Campaign as 'Partners'. The associated timetable would suggest that the Regulations would be made by Summer 2002, with an eighteen month lead in period proposed for the new duty to manage. In the meantime work will proceed on developing the proposals for the domestic sector - building on the work already done.

THE CAMPAIGN

Employer Workshops

The campaign in support of the new duty continues to gain momentum. HSE has had a most encouraging response to its promotion for 'partners' to join it in the delivery of the 'awareness' messages during the first year of the campaign. My thanks must go out to those organisations who have assisted in those efforts by cascading the message through their Newsletters, particularly Croner and Ai Solutions, and to those others who are willing to do similar in the coming weeks and months.

The promotion so far has encouraged some 100 organisations to 'sign up' as 'Partners' and to deliver the planned network of Employer Workshops. These Workshops are aimed at providing those duty holders from small and medium sized employers with an understanding of the requirements of the new duty to manage asbestos and the means to comply with the regulation.

Presentation Material

Amongst HSE's commitments to its 'Partners' is the provision of a 'Presenter's Pack', supported by PowerPoint presentation slides.

An advanced draft of the 'Pack' was distributed for comment at the end of June to a selection of internal/external stakeholders. Thank you to those who

commented. In the main those that responded were supportive of the material and provided suggestions for minor but useful changes to the text. However, there was a strong, albeit minority, view that the basic aims and objectives of the workshop were seen to be overly optimistic and failed to reflect the limited level of prior knowledge amongst many of the anticipated delegates.

This view encouraged a need to return to first principles and to adopt a more flexible approach to the content of the workshops, looking to the 'Partners' to determine the level to which the material should be pitched. This has resulted in additional work being undertaken in the continued development of the material.

It is now anticipated that the 'pack' will comprise:

- ✎ a 'Resource Pack', formerly referred to as the 'Presenter's Pack', will provide 'Partners' with support material for their presentation
- ✎ a 'Trainer's Brief', a much refined version of the 'Resource Pack', will provide a suggested framework for the event, aims and objectives for each of the sessions, and bullet points within each of the sessions detailing the HSE core messages to be incorporated into the presentation
- ✎ copies of the 'Delegate Workbook': a four ring binder containing a set of potential handouts based on the 'Resource Pack' material, plus material associated with suggested practical delegate exercises
- ✎ a copy of the video 'How are You Today?', with a strong recommendation that this be incorporated into the presentation
- ✎ copies of the free booklet 'Managing Asbestos in Premises' (see more)

THE ROLE OF PARTNERS

- ? **Picking up the financial risk for the events the 'Partners' shall set an appropriate delegate fee**
- ? **Need to arrange suitable venues, including the provision of appropriate refreshments, working on an attendance of up to 25 delegates**
- ? **Development of the presentation material based on prepared 'speaker's pack' supplied by the HSE**
- ? **Arrangements for the use of guest speakers where appropriate**
- ? **Local promotion of the workshop(s)**
- ? **Delivery of the workshop(s)**

The advanced development of the above material has encouraged the need to rethink the most appropriate means of distributing the 'Resource Pack', 'Trainer's Brief' and the content of the 'Delegate Workbook'. Our original thinking was to make it available via the planned Campaign website, but the size of the files may make this unwieldy; as an alternative we are now looking to make the material available on a compact disc. This would be automatically issued to HSE's 'Partners' once it becomes available, which is anticipated as being the end of September 2001

The remaining material referred to above e.g. folders, video, leaflets would be issued on request.

The Asbestos Roadshow

In collaboration with the British Occupational Hygiene Society (BOHS) HSE is organising a programme of seven regional events aimed at raising awareness amongst larger organisations and asbestos related professionals. The first of these events is set for London on the 10 October 2001 with the remainder, running at weekly intervals, scheduled for Manchester, Southampton, Glasgow, Cardiff, Newcastle and finally Birmingham on 21 November 2001.

In addition to promoting an awareness of the new duty the Roadshow also aims to extend further the network of 'Partners' to assist in the cascading of the HSE message.

CAMPAIGN PROMOTION

To date HSE has adopted a 'low profile' strategy in its promotion of the campaign. General awareness raising has been encouraged through the good services of external organisations, who have volunteered to carry details in their 'Newsletters', and the opportunities offered by asbestos related presentations delivered by HSE staff to external audiences.

It is recognised that as we move closer to the planned start of the campaign, scheduled to coincide with the London event on 10 October 2001, HSE will need to move into the next promotional phase. This will include:

Campaign Website: currently under development this is seen to be the prime ongoing means of promoting the various facets of the campaign. In addition to carrying material offering guidance on the new

duty, the site will provide details of the various campaign events e.g. Roadshows and Workshops. We will need to give thought as to how we are to remain aware of which 'Partners' are delivering what Workshops where and when, together with contact details, so that these events can be promoted through the Campaign page.

Press Campaign: support for the Campaign has been sought from the HSE Press Office. In addition to the issuing of general promotional Press Notices to the National and Local Media, the Press Office will arrange for the more timely release of relevant Notices to coincide with the Roadshow events, plus the making of the Regulations in the Summer of 2002. Editorial material will also be offered to the technical and professional press.

Focused Promotion: BOHS are preparing material to promote the Roadshow events; this will be sent to specific organisations who are seen to fall within the perceived 'audience' group. HSE's other Partners will need to develop promotional strategies to encourage attendance of their Employer Workshops – this will supplement HSE's initiatives through its Campaign website.

Presentations: HSE staff will continue to carry forward the campaign message through related presentations to external audiences.

Partnership Network: HSE will increase its efforts to extend its current network of 'Partners' through directed promotion using mail shots, plus the placing of the 'Campaign' messages in a variety of media.

SUPPORTING GUIDANCE MATERIAL

HSE has been, and is currently, busy preparing a range of asbestos related guidance material; some of which is of particular relevance to the Campaign.

Asbestos Essentials

A two part publication, issued 30 April 2001, providing the tools necessary to ensure that building maintenance work involving asbestos-containing materials (ACMs) is carried out safely and in accordance with the law.

'Introduction to Asbestos Essentials' is aimed at anyone liable to control or carry out maintenance work with ACMs. That includes employers, contract managers, site agents, safety representatives and self employed contractors. The guidance provides a step by step guide to the nature of the material, effects of exposure, legal requirements, gauging risk, site procedures and staff training.

'Asbestos Essentials Task Manual' is aimed at workers and provides clear and concise assistance to those likely to come into contact with asbestos during the course of their work. The booklet is designed to be taken on site and includes 25 task sheets and eight additional sheets.

MDHS 100

Entitled *'Surveying, Sampling and Assessment of Asbestos-Containing Material'* MDHS 100 provides guidance on how to survey workplace premises for asbestos, and how to record the results. Launched on 30 July 2001 the publication has been produced as a standard for people carrying out – or commissioning – asbestos surveys in buildings.

Managing Asbestos in Premises

A free booklet, replacing *'Managing Asbestos in Workplace Buildings'*, is scheduled for publication in September 2001. It will provide practical guidance to small and medium sized enterprises on the means of complying with the new duty to manage the risks from asbestos in premises.

This material is key to the HSE's campaign supporting the duty to manage, and supplies will be issued to 'Partners' for including in the Delegate Workbooks.

General

The above represents three concrete examples of the results of the ongoing programme of review of the HSE asbestos related guidance. Under current development are replacement ACoPs L27 and L28, both of which support the Control of Asbestos at Work Regulations 1987, a new ACoP to support the duty to manage and detailed management guidance on the duty.

CONCLUSION

I trust that the above messages are of interest and that they have helped to bring you up to date of where we are at with the Campaign. Although much has already been achieved it is recognised that much still needs to be done. The task ahead of us is made easier through your support and I would welcome any comment or advice that you may have regarding the continued implementation of the Campaign. I would be particularly interested in hearing from those of you who are able to cascade these messages further e.g. through Newsletters, with the aim of extending our 'Partnership' network even further.



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