Control of Asbestos Regulations 2012 - Post Development of the Asbestos Industry
Why are we here?

- 5 years have passed since CAR 2012 has been released = HSE required to review of the Effectiveness of Regulations
- UK still has the highest mortality rate for Mesothelioma related illness in the World
- No. of Prohibition Notices increasing despite clearer Regulations & ACOP’s
- Additional 50,000 + people over the next 99 years will die of asbestos related illness if we removed the Regulations & Code of Practice
- £ Multi Billion incentive to meet ‘minimum requirements’
Agenda

● Development of the Regulations, Approved Code of Practices and Guidance - Asbestos
● HSE Post CAR 2012 Implementation Review
● Update on Health Effects - Mesothelioma
● Role of HSE
● Future Changes
● Beyond the Standards
● Duty Holders Role
● Campaigns
Asbestos Regulations

The Asbestos (Licensing) Regulations 1983 (ASLIC), as amended, which require work with all the more hazardous asbestos-containing materials to be done by a contractor licensed by HSE.

The Asbestos (Prohibitions) Regulations 1992 (Prohibitions Regulations), as amended, which ban the importation, supply and use of raw asbestos and asbestos containing materials & working with asbestos containing materials.

2002: Control of Asbestos at Work Regulations 2002 introduces regulation 4 where businesses are obliged to identify and manage asbestos in their properties. (2004 : Duty to Manage).

2006: Control of Asbestos Regulations 2006 introduced. This is an amalgamation of previous asbestos regulations.

Regulation - Key Changes 2006 > 2012

2002 - 2006 - major changes to align 3 separate regulations into 1 single regulation.


CAWR 2006 > CAR 2012

- EU Directive - UK failed to fully implement directive to ensure workers are protected from the risk of exposure
- Terminology amended (‘non-friable’ and ‘without deterioration of non-degraded’ materials added)
- 3 Categories of works - Licensed, Notifiable Non Licensed and Non Licensed
- Notifiable Non Licensed Works require workers to have medicals every 3 years
- Maintaining records for Non Licensed work
2006 - L127 (The management of asbestos in non-domestic premises)

2006 - L143 (Work with materials containing asbestos)

2013 : L143 (Second edition) Managing and working with asbestos.

The ACOP has been revised to make legal compliance clearer to dutyholders and to reflect the changes introduced in The Control of Asbestos Regulations 2012.
Code of Practice - Key Changes 2006 > 2012

- Defining / Notification of NNLW and Licensed Works
- Clearer guidance for making, managing and communicating the management plan
- What Plan of Work should include
- Expansion on emergency procedures
- Preventing spread of asbestos
- Health Surveillance and Records
Guidance Documents (Inspection & Testing)

Inspection (Surveys)

- 2001 - MDHS 100: Surveying, sampling and assessment of asbestos-containing materials

Testing (Air)

- 1988 - EH10, 1995 - MDHS39 & 1999 MDHS77
- 2005 - HSG 248: Asbestos: The analysts' guide for sampling, analysis and clearance procedures
**Guidance - Key Changes**

**Inspection**
- Removal of Type 1/2/3 - Replacement with Management and Refurbishment / Demolition
- Requirement for Quality Management System
- Emphasis on competency of the surveyor
- Improved Survey Planning
- Scope of Surveying types & Reporting
- Guidance for Duty Holder AND Surveyor

**Testing**
- ISO 17025 standard by 2004
- Improved Analytical Methods
- Enhanced Appendices
CAR2012 included a statutory requirement to assess their effectiveness after they have been operational for a period of time: the so-called ‘Post Implementation Review’ (PIR). The purpose of the PIR was to evaluate the regulatory framework, rather than to examine government policy on control of asbestos.

Review carried out in form of focus groups, workshops and questionnaires from sources who are dutyholders, those who carry out licensed works, those who carry out notifiable works and those who carry out non notifiable works.
PIR - CAR 2012 - What are the Benefits?

- Reducing the risks of exposure to asbestos, and protecting both workers and the public
- Creating consistency and setting clear standards regarding the controls that should be in place when carrying out work with asbestos
- Raising awareness and providing assurance to employers and others that the necessary controls to prevent and/or minimise any potential risks from exposure to asbestos are in place
Contractors carrying out Licensed, Notifiable Works and Duty Holders believe the Regulations were clear and in practice provided an effective method of protecting the risk of exposure.

Contractors conducting Notifiable Non Licensed Works believed the Regulations were not clear. Distinction between 3 Categories ambiguous.

Uncertainty for those whom lease, rent or own properties that are leased or rented. Who has the responsibility?
PIR - CAR 2012 - Effectiveness

● Prevalent view across the board that the Regulations were effective in protecting workers and others from asbestos risks provided that they are complied with
● Finding that insufficient awareness and/or understanding of the regulations among self-employed contractors and small companies
● ACOPs were beneficial to the Duty Holder
● Improvements required for NNLW, Management Plans, Plans of Work & Medical Examinations
Contractors carrying out Licensed, Notifiable Works and Duty Holders believe the Regulations were easy to follow and practical to implement.

Concerns over NNLW

Belief that different industries have different ways of complying - which is best?
Duty Holders feedback on concerns over competence of surveyors and licensed contractors:

Questions raised over use of:

- non UKAS accredited organisations
- HSE License scheme i.e how do HSE determine length of license, how rigorous are the checks on the companies health and safety records and should Licenses be expanded as companies have variation of competency.
NNLW OR NL?

[Images of corroded industrial components]
A0 - Asbestos Essentials
Plan of Works

Remember POW does not need to be unnecessarily lengthy and complicated documents are not required.

The plan needs to guide employees in a practical way on the work in hand

The plan of work should be suitable for the scale and type of work to be carried out

1) DETAILS OF CONTRACT & SCOPE OF THE WORK - work location and attendance times/dates, contact details, supervisor, client, analyst, survey details, principal contractor/co-ordinator (where relevant), senior manager responsible for the contract, etc. The scope of the work should be obvious: what does the team have to do and what are the constraints of the site? It will always clearly explain what asbestos is to be removed and how.

2) EQUIPMENT, MATERIALS & CONTROLS - for example:
   a) Precise location and dimension of the enclosure, airlock and bag lock. Details of how air is to be managed within it. Arrangements for smoke testing and witnessing.
   b) Location of transit routes and any other relevant exclusion areas.
   c) Specification and location of equipment used to prevent exposure and spread (where applicable): RPE/ PPE, DCUs, H-Vacs, NPUs, CCTV/viewing panels, wet-strip equipment, hand tools, sprays, gels, fencing/barriers and signage, etc.
   d) Location and access arrangements for water and power supplies and DCU drainage.
   e) Expected quantities of waste and methods of wrapping or bagging/storage/transport.
   f) Location and access to welfare facilities.

3) OTHER RELEVANT SITE SPECIFIC INFORMATION – for example:
   a) Clear responsibilities and lines of communication with relevant third parties (tenants, office staff, other contractors, other licence holders, etc). Adequate pre-planning will ensure that others will not have a negative impact on the licence holder’s plans.
   b) Emergency arrangements and procedures.
   c) Any other significant risks (including how they will be controlled).

4) METHOD OF WORK
   This will be the central part of a plan explaining how exposure and spread will be minimised. For example:
   a) It will explain the site specific sequence of work and actual methods to be used for reducing exposure and spread.
   b) The method will be detailed enough for visiting managers (and others) to measure compliance and performance. It will also reflect relevant non-asbestos factors (such as working at height, working in confined spaces, live electrical installations).

5) MANAGEMENT ARRANGEMENTS
   The plan is a management tool as well as a guide for site teams, so it should be clear how the licence holder expects supervisors/managers to ensure that the working methods are followed. By way of example, the plan might specify ‘hold points’ during the notified work and senior management would require e-mailed photographic evidence that these have been successfully achieved. Other ‘management’ issues will include:
   a) Air monitoring/background reassurance monitoring (and relevant information about expected exposures).
   b) Arrangements for providing independent 4-stage clearance.
   c) Arrangements for handling unavoidable changes to the original plan.
Management Plan

As with POW the Management Plan does not need to be unnecessarily lengthy.

- Person(s) responsible for managing asbestos risk (includes visitors / contractors)
- Asbestos Register / Action Plan / Schedule / Drawings
- Communication of the Plan (procedures for working within the building i.e ensuring works do not take place in the building with the MP being consulted and understood)
- Contingency Plans / Emergency Procedures
- Monitor / Review
Duty Holder - Who has the responsibility?

The dutyholder is the owner of the non-domestic premises or the person or organisation that has clear responsibility for the maintenance or repair of non-domestic premises, for example through an explicit agreement such as a tenancy agreement or contract.

The extent of the duty will depend on the nature of that agreement. In a building occupied by one leaseholder, the agreement might be for either the owner or leaseholder to take on the full duty for the whole building; or it might be to share the duty. In a multi-occupied building, the agreement might be that the owner takes on the full duty for the whole building. Or it might be that the duty is shared - for example, the owner takes responsibility for the common parts while the leaseholders take responsibility for the parts they occupy. Sometimes, there might be an agreement to pass the responsibilities to a managing agent.

In some cases, there may be no tenancy agreement or contract. Or, if there is, it may not specify who has responsibility for the maintenance or repair of non-domestic premises. In these cases, or where the premises are unoccupied, the duty is placed on whoever has control of the premises, or part of the premises. Often this will be the owner.
The Result of PIR:

“overall CAR 2012 has met its objectives and sets clear health and safety requirements to ensure the appropriate control measures are in place to prevent exposure “ HSE

Areas identified for improvement:

- DUTY HOLDER (Leased / Renting) [http://www.hse.gov.uk/asbestos/duty.htm](http://www.hse.gov.uk/asbestos/duty.htm) (HSE website - also refer to L143)
- MANAGEMENT PLAN - L143 - page 36/37
- MEDICAL EXAMINATION - Due to be changed - now remaining as 2 years.
- SME’S / SELF EMPLOYED (IOSH, Working Well Together, HSE App, Asbestos Essentials….)
- ASBESTOS WORK CATEGORIES [http://www.hse.gov.uk/Asbestos/licensing/non-licensed-work.htm](http://www.hse.gov.uk/Asbestos/licensing/non-licensed-work.htm)
The model suggests that the fall in exposures to asbestos between 1980 (which is approximately when measures to control exposures started to be introduced) and 2015 will lead to 25,700 fewer deaths from mesothelioma and lung cancer in the 100 years between 2001 and 2100. £20.9 bn benefit to society.
If we stopped complying with the regulations estimated between 2016 - 2115 there would be an additional 50,500 deaths (40,800 mesothelioma & 9,700 asbestos related lung cancer) Cost to society of £1.3 million per fatal case.
Mesothelioma cases 2500 likely to remain each year until post 2020 (initial peak estimate 2015)

Mesothelioma is easier to study due to close relationship with asbestos though in 2014 nearly 1000 new cases of asbestosis and over 400 cases of diffuse pleural thickening were assessed and in addition there were several hundred cases of pleural plaques identified. The latter is likely to be a substantial underestimate of the incidence of pleural plaques which, although usually symptomless, are an indicator of past asbestos exposures

Mesothelioma mortality is currently higher in Britain than in any other country. Striking contrast to France & US, France imported far less amosite. Britain imported ⅓ of South Africa’s mined amosite, 7 times more than US. Mesothelioma studied since 1968 in UK.
2014 Mesothelioma Act

April 2014 The Mesothelioma Act - Victims of the fatal asbestos-induced cancer mesothelioma who can’t trace a liable employer or an employers’ liability insurer are now able to apply for compensation packages worth an average of £141,000 plus £7,000 towards legal expenses.

Before Act claims did not exceed £20,000.

Government added £380 million into Pot (Paid by levy from Insurance Industry).

2017 - £40 million in the pot.

Average 30 claims per month with increasing average age and living claimants.
Mesothelioma By Occupation - Changing Tide?

Top 10 Occupations associated to Mesothelioma Cases (Male):

**2002 - 2010**
Construction Trades / Carpenters and joiners / Electrical Trades /Electricians, electrical fitters
Plant And Machine Operatives/ Metal Machining, Fitting And Instrument Making Trades
Transport Drivers And Operatives / Plumbers, heating and ventilating engineers / Building Trades/ Metal working production and maintenance fitters

**2011 - 2015**
Construction and Building Trades / Carpenters and joiners / Electrical and Electronic Trades /
/Electricians and electrical fitters / Road Transport Drivers / Plumbers and heating and ventilating engineers /Plant and Machine Operatives / Construction and building trades n.e.c. / Metal Machining, Fitting and Instrument Making Trades / Building Finishing Trades
Mesothelioma cases have steadily increased between 2002 and 2014 for females in:

- Professional Occupations;
- Administrative Roles, Caring Occupations, Teaching and Sales / Customer Service Roles.
Advancements in Medicine - Is There a Cure for Mesothelioma?

Advancements in Immunotherapy and Gene Therapy with results prolonging patients lives beyond 12 months.

Meso Warrior - Mavis Naye - Diagnosed 2009; 2017 in remission

Issues - Reasonable Cost (Double Lung Transplant £360k. Chemotherapy £30k)

“This is not the death sentence it was 20 years ago. Long-term survival is possible. We now have the road map, and others have traveled the path, I remain optimistic that we can, in the next decade, put together the right combination of patient and treatment to affect a cure, which is our holy grail.”

– Dr. David Sugarbaker Thoracic Surgeon
Advancements in Medicine - Is There a Cure for Mesothelioma?

2018

- around half (50%) of people with mesothelioma will live at least a year after diagnosis.
- around one in every 10 people (10%) with mesothelioma will live at least five years after diagnosis.
- Patients options: Chemotherapy, Radiotherapy, Surgery, Supportive care (palliative care) or Clinical trials to improve treatment.
- Immunotherapy and Gene Therapy currently not available on NHS.
Ground-breaking Case - Keytruda

July 2017 - Aubrey Kennedy, who is currently living with mesothelioma, was awarded the full cost of the treatment, in a settlement against a number of employers. Doctors using the therapy also say that the side effects are much less severe for patients than traditional chemotherapy.

Mr Kennedy, who is 68, was initially treated with chemotherapy when he was diagnosed with the disease in July 2015. He suffered side effects from this and it affected his kidneys. The tumour was initially stable but began to grow again in July 2016. He was therefore recommended for immunotherapy but had to pay for the treatment privately because it is not available on the NHS. The cost to him was recovered as well as the cost of treatment he might need in the future.

Current statistics on the treatment; 76 per cent of patients derive clinic benefit from the treatment.

More groundbreaking cases since...Claimants awarded Periodic Payment Order to allow Immunotherapy Treatment
HSE Role - Post 2012

HSE gives inspection priority to where:

- uncontrolled stripping is planned;
- work is proposed in hot environments;
- the use of power tools is planned.

HSE also gives priority to inspecting:

- new licence holders;
- licensees whose licence expires within next 4-6 months and they have not been inspected in the previous 12 months;
- licensees who have been issued with a warning.

HSE Campaigns - Refurbishment / Demolition Sites / Farms
Post 2012 reduced number in Improvement Notices. Further improvement required to comply with Regulations especially Regulation 4 Duty to Manage and Regulation 10 Information, Instruction and Training.

Table 1.1 below shows the number of CAR breaches relating to INs (April 2007-March 2016) by regulation and reporting year:

Table 1.1: Number of CAR breaches relating to INs (April 2007-March 2016) by regulation and reporting year

| Regulation | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | Total |
|------------|---|---|---|---|---|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|     |
| 2007-08    | 91| 1 | 2 | 4 | 0 | 0 | 25 | 8  | 2  | 2  | 1  | 1  | 3  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 142  |
| 2008-09    | 261| 4 | 1 | 2 | 0 | 0 | 31 | 6  | 0  | 2  | 1  | 2  | 3  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 313  |
| 2009-10    | 236| 9 | 3 | 5 | 1 | 1 | 57 | 17 | 5  | 2  | 0  | 3  | 11 | 2  | 0  | 1  | 0  | 0  | 1  | 1  | 0  | 355  |
| 2010-11    | 345| 8 | 4 | 4 | 1 | 1 | 91 | 15 | 1  | 3  | 0  | 2  | 16 | 3  | 0  | 0  | 0  | 0  | 2  | 1  | 1  | 498  |
| 2011-12    | 267| 14| 7 | 9 | 3 | 0 | 109| 9  | 0  | 0  | 0  | 0  | 2  | 2  | 4  | 0  | 0  | 0  | 0  | 2  | 0  | 428  |
| 2012-13    | 140| 10| 8 | 6 | 0 | 3 | 77 | 21 | 0  | 0  | 0  | 2  | 17 | 0  | 0  | 4  | 3  | 1  | 1  | 0  | 0  | 293  |
| 2013-14    | 92 | 17| 9 | 9 | 1 | 1 | 86 | 9  | 2  | 1  | 0  | 1  | 6  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 234  |
| 2014-15    | 92 | 9  | 12 | 7 | 0 | 0 | 61 | 15 | 5  | 6  | 0  | 6  | 14 | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 6  | 1  | 234  |
| 2015-16    | 89 | 18 | 3  | 4 | 1 | 1 | 58 | 12 | 0  | 0  | 0  | 11 | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1  | 0  | 198  |
| **Total**  | 1613| 90 | 49 | 50 | 7 | 7 | 595| 112| 15 | 16 | 2 | 17 | 83 | 7 | 4 | 5 | 3 | 1 | 4 | 2 | 12 | 1 | 2695 |
Prohibition Notices 2007 - 2016

Table 2.1: Number of CAR breaches relating to PNs (April 2007-March 2016) by regulation (where applicable) and reporting year

<table>
<thead>
<tr>
<th>Regulation</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
<th>11</th>
<th>12</th>
<th>13</th>
<th>14</th>
<th>15</th>
<th>16</th>
<th>17</th>
<th>18</th>
<th>19</th>
<th>20</th>
<th>21</th>
<th>22</th>
<th>23</th>
<th>24</th>
<th>N/A</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007-08</td>
<td>1</td>
<td>27</td>
<td>8</td>
<td>11</td>
<td>6</td>
<td>0</td>
<td>5</td>
<td>34</td>
<td>11</td>
<td>5</td>
<td>3</td>
<td>4</td>
<td>19</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>10</td>
<td>2</td>
<td>13</td>
<td></td>
<td>152</td>
<td></td>
</tr>
<tr>
<td>2008-09</td>
<td>7</td>
<td>11</td>
<td>16</td>
<td>24</td>
<td>5</td>
<td>0</td>
<td>7</td>
<td>58</td>
<td>16</td>
<td>6</td>
<td>1</td>
<td>0</td>
<td>39</td>
<td>1</td>
<td>1</td>
<td>10</td>
<td>10</td>
<td>0</td>
<td>2</td>
<td>2</td>
<td>4</td>
<td>201</td>
<td></td>
</tr>
<tr>
<td>2009-10</td>
<td>23</td>
<td>12</td>
<td>23</td>
<td>27</td>
<td>6</td>
<td>2</td>
<td>2</td>
<td>65</td>
<td>14</td>
<td>5</td>
<td>0</td>
<td>3</td>
<td>42</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>11</td>
<td>3</td>
<td>3</td>
<td></td>
<td>236</td>
<td></td>
</tr>
<tr>
<td>2010-11</td>
<td>57</td>
<td>14</td>
<td>19</td>
<td>26</td>
<td>7</td>
<td>0</td>
<td>14</td>
<td>78</td>
<td>10</td>
<td>8</td>
<td>0</td>
<td>3</td>
<td>64</td>
<td>4</td>
<td>0</td>
<td>1</td>
<td>10</td>
<td>12</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>311</td>
<td></td>
</tr>
<tr>
<td>2011-12</td>
<td>59</td>
<td>4</td>
<td>17</td>
<td>10</td>
<td>5</td>
<td>1</td>
<td>2</td>
<td>55</td>
<td>8</td>
<td>5</td>
<td>3</td>
<td>0</td>
<td>45</td>
<td>2</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>221</td>
<td></td>
</tr>
<tr>
<td>2012-13</td>
<td>36</td>
<td>7</td>
<td>22</td>
<td>14</td>
<td>3</td>
<td>0</td>
<td>7</td>
<td>38</td>
<td>8</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>32</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>172</td>
<td></td>
</tr>
<tr>
<td>2013-14</td>
<td>68</td>
<td>5</td>
<td>27</td>
<td>13</td>
<td>1</td>
<td>0</td>
<td>9</td>
<td>47</td>
<td>5</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>36</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>218</td>
<td></td>
</tr>
<tr>
<td>2014-15</td>
<td>66</td>
<td>4</td>
<td>29</td>
<td>11</td>
<td>3</td>
<td>0</td>
<td>8</td>
<td>54</td>
<td>3</td>
<td>1</td>
<td>3</td>
<td>2</td>
<td>52</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>240</td>
<td></td>
</tr>
<tr>
<td>2015-16</td>
<td>60</td>
<td>9</td>
<td>27</td>
<td>9</td>
<td>5</td>
<td>0</td>
<td>6</td>
<td>35</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>29</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>3</td>
<td>187</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>63</td>
<td>407</td>
<td>192</td>
<td>141</td>
<td>41</td>
<td>3</td>
<td>60</td>
<td>464</td>
<td>77</td>
<td>32</td>
<td>12</td>
<td>12</td>
<td>358</td>
<td>19</td>
<td>1</td>
<td>3</td>
<td>1</td>
<td>1</td>
<td>4</td>
<td>7</td>
<td>12</td>
<td>28</td>
<td>1938</td>
</tr>
</tbody>
</table>

Increase post 2012 Regulations. More recently most common notices against regulation 11 (Identification of the presence of asbestos) . Regulation 5 (Prevention or reduction of exposure to asbestos). Regulation 16 (Duty to prevent or reduce the spread of asbestos)
<table>
<thead>
<tr>
<th>Case Reference</th>
<th>Company/Individual</th>
<th>Guilt/Verdict</th>
<th>Reason for Prosecution</th>
</tr>
</thead>
<tbody>
<tr>
<td>44776770</td>
<td>Enviro-Safe Limited</td>
<td>Guilty-Fine</td>
<td>Not erecting enclosure to remove ACM's</td>
</tr>
<tr>
<td>44760330</td>
<td>Barrie John Lyone</td>
<td>Guilty-Fine</td>
<td>Falsification of 43C</td>
</tr>
<tr>
<td>44532760</td>
<td>David William Briggs</td>
<td>Guilty-Prison</td>
<td>Removal of AIB without License (amongst other offences)</td>
</tr>
<tr>
<td>44819270</td>
<td>Bourne Valley Construction Services Limited</td>
<td>Guilty-Fine</td>
<td>Failure to plan, manager &amp; monitor - AIB disturbed</td>
</tr>
<tr>
<td>44869590</td>
<td>Anthony West</td>
<td>Guilty-Fine</td>
<td>Unsafe removal of Asbestos Cement</td>
</tr>
<tr>
<td>44844960</td>
<td>PJH Shopfitters Limited</td>
<td>Guilty-Fine</td>
<td>Failure to conduct Asbestos Pre Refurbishment Survey prior to Refurbishment Works</td>
</tr>
<tr>
<td>44807720</td>
<td>Stirling Council</td>
<td>Guilty-Fine</td>
<td>Failure to manage risk of exposure within basement</td>
</tr>
<tr>
<td>44464410</td>
<td>The Toff Partnership</td>
<td>Guilty-Fine</td>
<td>Unsafe removal of Asbestos Cement</td>
</tr>
<tr>
<td>44776150</td>
<td>Desmond Money</td>
<td>Guilty-Community/Prison Suspended</td>
<td>Removal of AIB without License (amongst other offences)</td>
</tr>
<tr>
<td>44667040</td>
<td>Barrerock Construction Limited</td>
<td>Guilty-Fine</td>
<td>Failure to control refurbishment works preventing AIB from being disturbed</td>
</tr>
<tr>
<td>44434900</td>
<td>Hatters Hostel Liverpool</td>
<td>Guilty-Fine</td>
<td>Failure to conduct Asbestos Refurbishment Survey prior to Refurbishment Works</td>
</tr>
<tr>
<td>44434970</td>
<td>Hatters Taverns</td>
<td>Guilty-Fine</td>
<td>Failure to conduct Asbestos Refurbishment Survey prior to Refurbishment Works</td>
</tr>
<tr>
<td>44590650</td>
<td>Barrerock Construction Limited</td>
<td>Guilty-Fine</td>
<td>Failure to control refurbishment works preventing AIB from being disturbed</td>
</tr>
<tr>
<td>44014480</td>
<td>The Nellows Limited</td>
<td>Guilty-Fine</td>
<td>Removal of AIB without License (amongst other offences)</td>
</tr>
<tr>
<td>44016870</td>
<td>Vinod Patel</td>
<td>Guilty-Community</td>
<td>Allowed AIB to be removed be employees</td>
</tr>
<tr>
<td>44733340</td>
<td>Balfour Beatly Regional Construction Limited</td>
<td>Guilty-Fine</td>
<td>Uncontrolled release of asbestos - concerns raised by headteacher</td>
</tr>
<tr>
<td>45733420</td>
<td>NPS London Limited</td>
<td>Guilty-Fine</td>
<td>Uncontrolled release of asbestos - concerns raised by headteacher</td>
</tr>
<tr>
<td>44733550</td>
<td>Squibb Group Limited</td>
<td>Guilty-Fine</td>
<td>Uncontrolled release of asbestos - concerns raised by headteacher</td>
</tr>
<tr>
<td>44932330</td>
<td>Anthony McGreath</td>
<td>Guilty-Compensation/Fine</td>
<td>Removal of AIB without License (amongst other offences)</td>
</tr>
<tr>
<td>44553010</td>
<td>Sarum Asbestos Limited</td>
<td>Guilty-Fine</td>
<td>Removal of AIB without License (amongst other offences)</td>
</tr>
<tr>
<td>44553090</td>
<td>Jeremy David Uphill</td>
<td>Guilty-Prison Suspended</td>
<td>Removal of AIB without License (amongst other offences)</td>
</tr>
<tr>
<td>44409220</td>
<td>P W Saundersen Ltd</td>
<td>Guilty-Fine</td>
<td>Disturbance of Asbestos</td>
</tr>
<tr>
<td>44409220</td>
<td>Anglian Windows Limited</td>
<td>Guilty-Fine</td>
<td>Disturbance of Asbestos</td>
</tr>
<tr>
<td>45122670</td>
<td>Mark Gibson</td>
<td>Guilty-Fine</td>
<td>Removal of AIB without License (amongst other offences)</td>
</tr>
<tr>
<td>46000410</td>
<td>Miller Plant Limited</td>
<td>Guilty-Fine</td>
<td>Removal of AIB without License (amongst other offences)</td>
</tr>
<tr>
<td>46018190</td>
<td>IQA Operations Group Limited</td>
<td>Guilty-Fine</td>
<td>Failure to conduct Refurbishment Survey prior to Refurbishment of Flats</td>
</tr>
<tr>
<td>44819270</td>
<td>Kingsley Asbestos Services Limited</td>
<td>Guilty-Fine</td>
<td>Failure to conduct Asbestos Survey resulted in AIB disturbed</td>
</tr>
<tr>
<td>44816400</td>
<td>James Burrows</td>
<td>Guilty-Fine</td>
<td>Failure to conduct Refurbishment Survey prior to Refurbishment of Flats</td>
</tr>
</tbody>
</table>
£300,000 Fine

13 employees exposed to asbestos removing gaskets (use of power tools)

Information on site inadequate (no suitable asbestos assessment)

No asbestos awareness training

SSE Hornsea Ltd of Inveralmond House, 200 Dunkeld Road, Perth pleaded guilty to breaching Sections 2 (1) and 3(1) of the Health & Safety at Work etc Act 1974.

The company was fined £300,000 and ordered to pay costs of £1,731.
HSE believed that many of the maximum penalties available for health and safety offences were too low.

For offences committed between the 16th January 2009 and before the 12th March 2015, the offence carries a maximum fine on conviction in the magistrates' court of £20,000 or imprisonment for a term not exceeding 6 months or both.

The maximum penalty in the Crown Court is an unlimited fine or imprisonment not exceeding two years or both.

For offences committed on and after the 12th March 2015 the maximum penalty in the magistrates’ court is an unlimited fine or imprisonment for a term not exceeding 6 months or both. In the Crown Court, the maximum penalty is an unlimited fine or imprisonment not exceeding two years or both.

On average 15 duty holders fined per year - average amount £5,500. Criminal Record
Asbestos Regulations - Future Changes

No revisions scheduled for Regulations - CAR 2012 or Approved Codes of Practice - L143

- Analyst Guide (delayed) due for Issue 2017; changes:
- 4SC - photographs, visual time estimates, explanation if time is shorter/longer, feedback on number of failed stages
- Asbestos in Soil - survey, sampling and analysis methods
- RPE use and decontamination.
- Greater use of personal sampling
- Caution when using PCM analysis/results
- Dust sampling guidance
Beyond the Standards

SEM Technology (Scanning Electron Microscopy)

Used wider in the EU - less in the UK (cost, availability & lead time in results)

Why use SEM?

- Asbestos in air quantified at lower levels
- Discrimination of Asbestos & Non Asbestos Fibres
- Relevant data for Risk Assessment
- Occupational or Asbestos Exposure
Duty Holders Role - Post 2012

- Procuring Licensed Contractors; check they’ve the competence to execute the works, don’t rely on the License only
- Procuring Surveyors; UKAS accreditation does not guarantee competency, ISO 9001 certification or 17020 accreditation acceptable to the HSE, check competency of Surveyors
- Procuring Analysts; UKAS accredited 17025 only, check competency of Analysts
- Work in Progress; Carry out Site Audits
- Training - Conduct Training Needs Analysis
- Record Keeping; number of claims rising ensure all records are securely archived.
- PIR - engage with consultant
- PQQ > Tender (with social value) > Interview > Pilot Survey > Interview > Award
Active Campaigns
Conclusion

- Evidence that the Regulations and Approved Codes of Practice are having and will continue to have a positive impact on society.

- PIR Areas for Improvement - Further information is available HSE website & Consultants

- Challenges still remain in engaging with sole traders and SME’s - Support where you can

- Due care and diligence when selecting contractors / packaging works
Thankyou
Any Questions?

Services: Asbestos Surveys (ISO 9001) * Asbestos Consultancy * Asbestos Training

Coming Soon March 2018; Asbestos Surveys (ISO 17020) * Air Monitoring (ISO 17025)