



DIOCESE OF DERBY

CONTROL OF ASBESTOS AT WORK REGULATIONS 2002

1. Regulations have recently been made that replace the Control of Asbestos at Work Regulations 1987, as amended. The 1987 regulations imposed requirements for the protection of employees who might be exposed to asbestos at work and of other persons who might be affected by such work and also imposed certain duties on employees concerning their own protection from such exposure.
2. The Regulations implement various European Council Directives, and also make various changes of substance.
3. The principal feature of the Regulations that affect churches is however the duty to manage asbestos in non-domestic premises, which comes into force on 21 May 2004. The Regulations place a duty on persons having control of non-domestic premises to make a suitable and sufficient assessment as to whether asbestos is or is liable to be present in the premises. In making the assessment:
 - Steps that are reasonable in the circumstances shall be taken.
 - The condition of any asbestos which is, or has been assumed to be, present in the premises shall be considered.
 - Account must be taken of building plans and of relevant information and the age of the premises.
 - Parts of the premises which are reasonably accessible shall be inspected.
 - The assessment must be reviewed if there is reason to suspect that the assessment is no longer valid, or if there has been a significant change in the premises.
4. Where the assessment shows that asbestos is or is liable to be in the premises:
 - a determination of the risk from that asbestos must be made;
 - a written plan identifying the parts of the premises concerned must be prepared;
 - the measures to be taken for managing the risk must be prepared.
 - the measures specified in the plan shall be adequate for monitoring condition, ensuring proper maintenance or removal, ensuring that information about the location and condition of asbestos is provided to every person liable to disturb it, and to the emergency services. The dutyholder must record the measures taken to implement the plan; and review it at regular intervals.

5. Since the vast majority of Church of England churches were either constructed or restored before asbestos was used in construction, the overall risk may not be as high as for other classes of buildings. Nevertheless, some churches contain asbestos, perhaps in connection with twentieth-century extensions or alterations; heating systems, pipe lagging, organ blowers, roofing materials etc. A number of churches, perhaps those constructed or restored in the twentieth century, or in a historic building with asbestos lagging in a heating system, may contain significant asbestos. It is important therefore that the response is proportionate to the risk.
6. Who should undertake the survey? Since the Regulations affect both churches and other non-domestic premises (e.g. Church Halls), it will be necessary for PCCs to identify all the premises under Church control locally and to ensure that an inspection is implemented and the necessary follow-up action taken. In the Diocese of Derby it is intended to link the matter initially with the quinquennial inspection of church buildings and architects are to be asked to add this to their reports. For other buildings PCCs could enlist a local person, perhaps a member of the congregation with suitable competence and training, to undertake the exercise. Specialist firms could be employed but in view of cost it is suggested that their involvement be deferred until such time as the possibility of asbestos being present has been identified (see 7 below).
7. Where action in response to the regulations is taken by PCCs, those undertaking the assessment should study the published advice, take into account issues such as the overall age of the building, the dates of building programmes, when services were installed, as well as information available from the quinquennial inspection report. They should then survey the building with these factors in mind. Some building materials such as glass, bricks and stone do not contain asbestos. However, materials used in the twentieth century may well contain asbestos, and an assumption must be made that materials do contain asbestos unless there is evidence to suggest they do not. The assessment should therefore:
 - Find asbestos on the premises, or materials assumed to contain asbestos.
 - Record where it is and its condition.
 - Assess the potential risk.
 - Decide what to do, depending on the condition of the materials and take appropriate action.
 - Decide whether any professional involvement is necessary. If significant asbestos is found or assumed to be present, it might be appropriate for a specialist survey to be carried out.
 - Record action in the Church Log Book.
8. Where information on asbestos is available from an existing quinquennial inspection report, it is suggested that the action plan is reviewed in the light of subsequent reports. Appropriate instructions on the survey of asbestos will be issued to architects/surveyors, since the survey of asbestos will not be covered by the existing diocesan scheme, following the model in *A Guide to Church Inspection and Repair*.

9. Appropriate professional help should be brought in where necessary, particularly where maintenance or refurbishment of the premises is being planned. The United Kingdom Accreditation Service (UKAS) has developed an accreditation scheme for organisations that carry out asbestos surveys, and the Royal Institution of Chartered Surveyors and the Asbestos Removal Contractors Association (ARCA) are jointly setting up a scheme. The British Occupational Hygiene Society is developing an Asbestos Building Inspectors Certification Scheme (ABICS) for individuals who undertake such surveys.

10. Sources of further advice:

Health and Safety Executive:

General information on asbestos:

<http://www.hse.gov.uk/campaigns/asbestos/index.htm#>

A short guide to managing asbestos in premises, available from

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

A comprehensive guide to managing asbestos in premises (HSG 227). Price £ 12.50

The management of asbestos in non-domestic premises. Approved Code of Practice and Guidance (L127). Price £9.50

The publications are available from HSE Books Tel: 01787 881165

The Regulations are available from:

<http://www.hmso.gov.uk>

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