

What to expect when an inspector calls

Health and Safety Enforcement is divided between the Health and Safety Executive and the local authority. If you are local authority enforced your premises will at some time be subject to a routine health and safety inspection. During this inspection the inspecting officer will expect the duty-holder to be able to provide evidence of compliance with regulation 4 of the Control of Asbestos Regulations 2006. An up-to-date asbestos register should be kept on site for inspection. If you are Health and Safety Executive enforced visit www.hse.gov.uk.

For more information about the duty to manage asbestos contact:

Environmental Health
Surrey Heath Borough Council
Surrey Heath House
Knoll Road
Camberley
Surrey
GU15 3HD

Environmental Health: 01276 707138
Switchboard: 01276 707100
Email: environmental.health@surreyheath.gov.uk
www.surreyheath.gov.uk/environment/

Control of Asbestos Regulations 2006
www.opsi.gov.uk/si/si2006/20062739.htm

Chart of premises www.hse.gov.uk/asbestos/campaign/chart.htm

'A short guide to managing asbestos' www.hse.gov.uk/pubns/ing223.pdf

Information and guidance page www.hse.gov.uk/asbestos/information.htm

United Kingdom Accreditation Service (UKAS) www.ukas.com/

Please contact us if you require this leaflet in larger print, other languages, Braille or audio tape.

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The duty to manage asbestos



'leading for tomorrow'



What is the duty?

The duty to manage asbestos is directed at those who manage non-domestic premises: 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 asbestos is contained in regulation 4 of the Control of Asbestos Regulations 2006. It requires the duty-holder to:

- Take reasonable steps to find out if there are materials containing asbestos in non-domestic premises, and if so, its amount, location and condition;
- Presume materials contain asbestos unless there is strong evidence otherwise;
- Make, and keep up-to-date, a record of the location and condition of the asbestos containing materials;
- Assess the risk of anyone being exposed to fibres from the materials;
- Prepare a plan that sets out how the risks from these materials will be managed;
- Take the necessary steps to put the plan into action;
- Periodically review and monitor the plan and the arrangements to act on it so that the plan remains relevant and up-to-date; and
- Provide information on the location and condition of the materials to anyone who is liable to work on or disturb them.

There is also a requirement on anyone to co-operate as far as is necessary to allow the duty-holder to comply with the above requirements.

Who has the duty?

In many cases, the duty holder is the person or organisation that has clear responsibility for the maintenance or repair of non-domestic premises through an explicit agreement such as a tenancy agreement or contract. 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, or it might be shared. 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. In these cases, or where the premises are unoccupied, the duty is placed on whoever has control of the premises, often the owner.

What premises are affected?

The duty to manage covers all non-domestic premises. Such premises include a industrial, commercial or public buildings such as factories, warehouses, offices, shops, hospitals and schools.

How do dutyholders comply?

There are three essential steps:

- **Find out** whether the premises contains asbestos, and, if so, where it is and what condition it is in. If in doubt, materials must be **presumed** to contain asbestos;
- **Assess the risk**; and
- **Make a plan** to manage that risk and **act on it**.

Some of the basic principles to remember:

- Asbestos is only dangerous when disturbed. If it is safely managed and contained, it doesn't present a health hazard;
- Don't remove asbestos unnecessarily – removing it can be more dangerous than leaving it in place and managing it;
- Not all asbestos materials present the same risk. The measures that need to be taken for controlling the risks from materials such as pipe insulation are different from those needed in relation to asbestos cement;
- Don't assume you need to bring in a specialist in every case (for example you can inspect your own building rather than employ a surveyor). But if you do, make sure they are competent.
- If you are unsure about whether certain materials contain asbestos, you can presume they do and treat them as such;
- Remember that the duty to manage is about putting in place the practical steps necessary to protect maintenance workers and others from the risk of exposure to asbestos fibres. It is not about removing all asbestos.

If any Asbestos Containing Materials need to be sealed, encapsulated or removed, remember you will need to employ a licensed contractor if the materials are high risk.