

Fact Sheet: The Duty to Manage Asbestos A Guide for Dutyholders

What is the duty to manage?

Regulation 4 of the Control of Asbestos Regulations 2006 places a requirement on dutyholders to undertake a suitable and sufficient assessment as to whether asbestos containing materials (ACMs) are likely to be present in non-domestic premises under their control and then to manage the risk from these materials.

Who is the dutyholder?

The dutyholder is either the owner or occupier who is responsible for the repair or maintenance of non-domestic premises by virtue of a tenancy/contract or, where there is no tenancy/contract, the person who is in control of the premises. Often this will be the owner.

In some circumstances, such as is sometimes the case with multi-occupied buildings, the responsibility may be shared. The owner may take responsibility for the common areas whilst the leaseholders may take responsibility for the parts they occupy. In some cases the responsibility may pass to the managing agent appointed to look after the property.

What are non-domestic premises?

The duty to manage applies to all non-domestic premises and the common parts of domestic premises. Examples of common parts are boiler rooms, lift shafts, foyers, corridors, vertical risers, external elements, etc.

Note: Whilst regulation 4 does not normally apply to domestic premises, additional legislative requirements are in place to cover asbestos risks in these types of property.

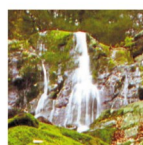
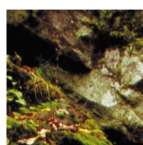
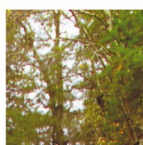
How do I comply?

1. Responsible person

In order to properly manage ACMs in premises, a responsible person should be appointed. The responsible person should have appropriate training, skills and resources to ensure that they can carry out the task of managing the asbestos risk.

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2. Determine if ACMs are present

Initially the dutyholder should determine if there are likely to be any asbestos containing materials on the premises and if so where they are likely to be. This involves reviewing the age of the building, records for the building including architects plans/drawings, records of previous asbestos removal works and any previous surveys of the building.

If there is clear evidence that no asbestos materials are present in the premises (e.g. the building was constructed without using ACMs or there were ACMs present but there are records to show that they have all been satisfactorily removed) then this should be recorded as proof of compliance with the regulation.

If it is unclear whether ACMs are present or not then the dutyholder should presume that they are present until proven otherwise. This will involve informing people of this finding and making sure that no work which will disturb the fabric of the building is undertaken until the presence or absence of asbestos materials has been determined.

3. Management Survey

The task of determining whether ACMs are present is often delegated to a third party with appropriate training and experience.

Guidance on asbestos surveying can be found in HSE publication **HSG264 Asbestos: The survey guide** which is aimed at surveyors carrying out asbestos surveys as well as those people who commission surveys e.g. dutyholders/clients.

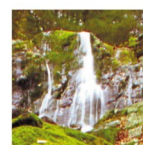
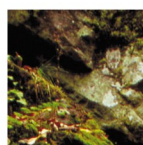
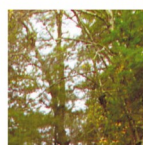
The dutyholder has a responsibility to ensure that whoever is instructed to undertake the survey is competent to do so, has adequate expertise, knowledge and resources and has appropriate insurance cover for undertaking asbestos surveys. HSE strongly recommends the use of accredited or certified surveyors for undertaking asbestos surveys i.e. organisations such as Strategic Risk Management (Asbestos) Ltd which are accredited by the United Kingdom Accreditation Scheme (UKAS) or individuals accredited under the Asbestos Building Inspectors Certification Scheme (ABICS).

4. Record

Once an asbestos management survey has been carried out, the dutyholder should use the results of this to prepare an asbestos register for the premises.

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An asbestos register is a simple record of the ACMs identified or presumed to be on site. This record must be kept up-to-date and must be available on site so that it can be viewed by anyone who needs to know the locations of the ACMs (e.g. site staff, maintenance staff and contractors).

5. Assess risk

The dutyholder should use the asbestos register to assess the risk from the ACMs identified on the premises.

This assessment will be a combination of a material assessment and a priority assessment.

The material assessment determines the likelihood of fibres being released from an ACM and therefore the risk of the material. It should be undertaken by the surveyors as part of an asbestos management survey.

The priority assessment determines the priority for any remedial actions and is based on the likelihood of someone disturbing an ACM. It is the responsibility of the dutyholder to undertake the priority assessment as it requires a detailed knowledge of the premises.

This combination risk assessment is used to form the basis of an asbestos management plan.

6. Management Plan

In order to develop a management plan, a decision needs to be made as to what action needs to be taken for each ACM.

The basic options for management are:

- Leave the ACM in place and manage;
- Protect / seal the ACM;
- Repair / remove the ACM.

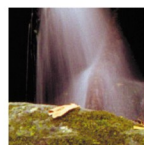
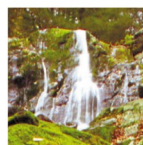
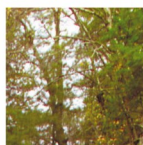
Once the management options have been determined, a written plan should be prepared detailing how ACMs are to be managed, along with timescales and responsibilities.

Typical information to be included a management plan includes:

- Details of the locations and condition of known and presumed ACMs;

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- Priority assessments for all ACMs;
- Prioritised actions for ACMs;
- Details about the management options and their rationale;
- Timescales for implementing actions;
- Arrangements for monitoring the condition of ACMs;
- The responsibilities of employees;
- Arrangements for the training of employees and contractors;
- Mechanisms for the passing on of information about the location and condition of ACMs to those who need it; This should include employees, contractors and anyone likely to work on or disturb the ACMs;
- Details of who will be responsible for maintaining the management plan; and details of how and when the plan will be reviewed.

7. Monitoring arrangements

Any ACMs left in situ need to be regularly monitored to ensure that they have not deteriorated or been damaged and then any records relating to them must be updated.

The frequency of monitoring will depend upon the nature and location of the ACM but, as a minimum, checks should be carried out every six to twelve months.

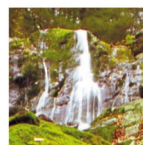
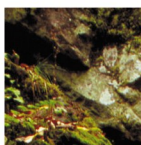
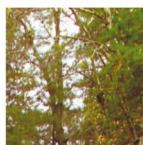
8. Review

The management plan should be reviewed on a regular basis to ensure that arrangements are effective and that all actions have been implemented.

The management plan should be thoroughly reviewed at least every six months or when there have been significant changes to the premises or organisation which may affect the validity.

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Further Reading

The management of asbestos in non-domestic premises, Regulation 4 of the Control of Asbestos Regulations 2006. Approved code of Practice L127 (Second edition)

HSE Books 2006 ISBN 978 0 7176 6209 8

A comprehensive guide to managing asbestos in premises HSG227

HSE Books 2002 ISBN 978 0 7176 2381 5

A short guide to managing asbestos in premises INDG223(rev4)

HSE Books 2009 ISBN 978 0 7176 6375 0

Asbestos: The survey guide HSG264

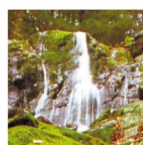
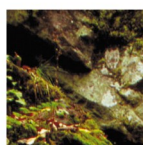
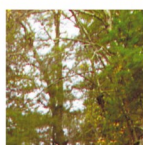
HSE Books 2010 ISBN 978 0 7176 6385 9

Strategic Risk Management (Asbestos) Ltd is UKAS accredited for asbestos surveying, asbestos bulk sampling and asbestos analysis.

For more information on the duty to manage or our range of asbestos services please contact one of our asbestos consultants on 01270 765121 or visit our website www.srmukgroup.com

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