

<b>Asbestos Liaison Group Minutes</b>			
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<b>Asbestos Liaison Group (ALG)</b>			
Minutes of the 44th meeting of the Asbestos Liaison Group held on Wednesday 20 May 2015 at HSE's Office, Mallard House, Kings Road, 3 Peasholme Green, York			
<b>Present (HSE)</b> Simon Longbottom, Head of Construction Policy Sector Archie Mitchell, Head of ALU Annette Leppla, ALU Jon Dry, ALU Martin Gibson, Occupational Hygiene Rob Hirst, FOD Construction Helen Ratcliffe, Asbestos Policy Sector  <b>LA</b> Melanie Tolson (Calderdale)		<b>TAs/TUs</b> Richard Wilks, APS Peter Wilson, UCATT Richard Morgan, GMB Susan Murray, Unite Jim Caldwell, NFDC Steve Sadley, ARCA Graham Warren, ACAD John Richards, RICS Chris Gilliead, IATP Stephen Platkiw, ATAC Colette Willoughby, BOHS Dave Nichol, UKATA	
<b>Apologies</b> Clive Johnson, Land Securities Craig Bell, Asbestos Policy Sector		<b>Guests</b> Colin Smith, UKAS	
Asbestos Liaison Group web pages are available at: <a href="http://www.hse.gov.uk/aboutus/meetings/committees/alg/index.htm">http://www.hse.gov.uk/aboutus/meetings/committees/alg/index.htm</a>			
<b>Item</b>			
<b>1</b>	<b>Introduction, apologies, welcome, etc (Simon Longbottom)</b>		
1.1	Simon thanked everyone for attending the meeting and introduced Dave Nichol, who has replaced Eddie Strong as UKATA rep and Melanie Tolson who is the new LA rep from Calderdale Council. Simon also welcomes Colin Smith who was attending as a guest from UKAS. Simon also apologised for having to leave the meeting early. Apologies and deputies as noted above.		
<b>2</b>	<b>Minutes of the 43<sup>rd</sup> meeting held on 14<sup>th</sup> January 2015 (Simon Longbottom)</b>		
2.1	The minutes of the meeting were agreed. All minutes, meeting papers, etc. are available on HSE's website at <a href="http://hse.gov.uk/aboutus/meetings/committees/alg.index.htm">http://hse.gov.uk/aboutus/meetings/committees/alg.index.htm</a>		
<b>3</b>	<b>Matters arising from the minutes</b>		
3.1	2.1 (1) Secretariat to contact web team to resolve problems with ALG web pages. New link archive to be included in minutes until matter fully resolved.  Archie updated the meeting on the new web set up. Industry liaison groups, such as ALG, will in future have their own web communities hosted via the HSE website. This will allow simpler update of the on-line materials by the secretariat.  Susan Murray expressed some concerns re possible barriers accessing the web pages. Archie stated that the web pages will be freely accessible and agreed to circulate the link.  <b>Action: (1) – ALU to circulate the link to the new web community pages when up and running.</b>  3.1 (2) ALG to write to contactors in a phased approach regarding waste disposal sites		

	<p>ALU will be sending emails to the ALU email address list asking LARCs for details of the waste sites they use (on a voluntary reply basis). This will also assist ALU in checking and updating the address list.</p> <p>3.1 (3) ALU to forward information obtained on waste disposal sites handling asbestos to HSEs waste sector team to make available to those carrying out non-licensed asbestos work. (On-going)</p>
<p><b>4</b></p>	<p><b>CDM Update – Simon Longbottom</b></p>
<p>4.1</p>	<p>Simon gave a presentation covering the impact of CDM 2015 on the asbestos removal industry and LARCs (see attached).</p> <p>Steve Sadley asked for clarification with regard to numbers of contractors on site. Does an analyst constitute a second contractor on site? Simon stated that the HSE interpretation is that the analyst is regarded as a second contractor and therefore the appointment of a principal contractor and principal designer is required, but that this should not involve any additional work. Licensed asbestos work already requires a formal plan of work and this will already cover all the work associated with that activity. HSEs approach to implementing CDM2015 for licensed asbestos work is that if everything is being managed correctly and in line with CAR 2012 then compliance will be largely achieved. A proportionate approach would be taken to any administrative arrangements of CDM 2015. It is CAR 2012 that fundamentally will still be applied to the HSEs inspection and enforcement of licensed asbestos work</p> <p>Archie pointed out that LARCs are already working in an industry where, because of the level of risk, the emphasis is on planning. It can be difficult for LARCs to be in the position of having to “push” clients, but CDM should not make a substantial difference to what presently exists. LARCs still have the same duties and responsibilities under CAW. Current arrangements for plans of work mean that risks are clearly specified, but wider site issues need to be taken into consideration outside of the licensed work. There is already the requirement for a detailed plan. Chris Gilliad and Richard Wilkes both asked about the construction phase plan and whether there would be any guidance in the form of ACOP etc. to indicate what this plan should look like. Simon said that this guidance is already available (<i>post meeting note: guidance available in Managing Health and Safety in Construction – L153, via the website and also through the new App</i>). Annette Leppla pointed out that the requirements of licensed work mean that LARCs are already starting at a higher level. Richard suggested that clients were not interpreting it this way and that there is a risk of creating more work.</p> <p>Susan Murray said she was receiving increased contacts about poorly managed asbestos work. She considered that employers need to better coordinate and communicate about planned asbestos work.</p> <p>Discussion turned to clients duties when tasking surveyors. John Richards has worked up text for HSE on clients and their expectations of surveyors but it does not major on CDM15 . Helen Ratcliffe is currently looking at the text which is likely to go on the website in the first instance. This was part of a large guidance work programme just submitted to HSE’s Publications Governance Group (PGG) but the proposal does not specifically include guidance on clients and CDM .</p> <p>As a result of Susan’s suggestion of more use of <b>FAQ’s</b>. There was discussion about whether the web community had a role in dealing with questions such as Clients and CDM. Steve Sadley asked if the group could look at issuing guidance on different licence terms and PNs. Archie indicated Licence periods could be covered in the new version of the ALAARG. John Richards asked if ARCA/ACAD produced guidance could it be published on the HSE website or through the web community. Archie reminded the meeting that currently everything needs PGG scrutiny and approval to go on HSE website. It might be possible for HSE to endorse industry guidance (with PGG approval) or simply indicate the existence of such guidance. If industry associations want to</p>

	produce their own asbestos specific guidance, that is for them and HSE would be happy for them to do so but we could not circumvent the PGG role on publication
<b>5</b>	<b>ALG Updates</b>
5.1	<p>Workplan and Working Group Updates</p> <p>Martin Gibson informed ALG that the Technical Working Group will be meeting in June.</p>
5.2	<p>Asbestos Policy – Licensed Contractors Guide – Progress</p> <p>Helen asked Graham Warren if he could update the group on the industry work he has been co-ordinating. The target date for agreeing contents was the end of June. Susan, a working group member wondered why she had not yet seen a draft Graham said that the LARCs were looking at the technical aspects of the guide but would send it to Susan. Steve said that he had seen the document and he thought that it was not far off. John Richards asked if the LCG could include guidance on the principal designer role and Steve agreed that it could if it was necessary. Helen asked when the guidance could be circulated to her as HSE co-ordinator. Graham thought it would probably be ready for wider circulation in July. Helen emphasised that the timings she is now committing to re PGG cannot be allowed to slip. If the technical review would be completed by the end of June Archie suggested that this would be a good time to circulate. The guidance will need to go out for consultation in due course but the HSE policy etc team will need to look at it before that.</p> <p><b>Action (2) – Graham Warren to circulate draft LCG by end of June 2015 and the working group to conclude its work for hand back to HSE in July.</b></p> <p>Dave Nichol asked if UKATA are represented on the technical group looking at the LCG. Helen explained that she had spoken to Craig Evans at UKATA and agreed that UKATA would look at the training chapter And had discussed a competence based approach</p> <p>Martin Gibson directed Grahams attention to The British Retail Consortiums 2013 guidance on asbestos in retail and in particular to the AIB aspects in chapters 8 and 9. Martin suggested AIB might justify its own chapter in LCG, alternatively Helen suggested it could perhaps be covered in an appendix.</p>
5.3	<p>ALU Update</p> <p>Analysts Project – Archie Mitchell</p> <p>The HSE inspector input into the project included several inspectors who are ex analysts. The project was instigated because UKAS figures reported a high degree of clearance failures when they inspected than when they did not. The HSE driver for the project was to that clearance is done properly as this is a back stop in the regulatory regime. The health and safety of analysts is also something HSE looked at and the results of the project will feed into the new analysts guide. ALU sent a proforma for completion to analysts and included those that those that did not respond as well as those that did. This resulted in 20 visits to a combination of sites and HQs. As a project the focus is on removal work.</p> <p>Across the visits there was positive practice but also areas where poorer practice was seen including:</p> <ul style="list-style-type: none"> <li>• Personal decontamination</li> <li>• Unclear site arrangements</li> <li>• Lack of practical training (decontamination etc.)</li> <li>• Clothing issues</li> <li>• Preliminary clean not undertaken</li> <li>• Analysts arriving unshaven</li> <li>• Transit routes not being included</li> <li>• DCU checks at stage 3 not completed</li> <li>• Lack of contextual information on certificates (i.e. personal monitoring of</li> </ul>

- contractors)
- Not being progressive or systematic
- Not covering all areas/rooms
- Discrepancies in records

Peter Wilson asked if there were any gender issues, but Archie said that he had not heard of any clients specifying the gender of the analyst. John Richards said that what he had seen in the industry indicated that the fact HSE was looking at this was already having some effect. Martin added that showering was an issue that would be covered in the new analyst's guide, which is progressing. John asked if the guide could be seen by industry and Helen pointed out that it will be made available through consultation. A discussion followed on whether the group thought there was not enough guidance in the industry or too much already.

Colette Willoughby asked if training needs were looked at on an individual basis or by the organisation the analysts were employed by. Archie answered that the results were based on what was found at site, but that training was an employer responsibility

Jim Caldwell asked about whether the analyst companies gave refresher training to their analysts. Chris Smith said that all companies are supposed to provide refresher training and if they are not there is a concern that this is a management issue.

Colette said that stages 1 and 4 are often not done properly due to client pressure. Stage 4 for the DCU is often an afterthought. Martin pointed out that the new guidance will require photographic evidence that each stage has been cleared. Discrepancies will need to be explained. Colin endorsed this requirement.

#### Statistics – Annette Leppla

2014/15

- 450 licence holders
- 1065 inspections
- 37157 notifications
- 226 licenses issues
- 12 refusals
- 3 conditional refusals
- 36 PVCs
- 41 new licence holders
- No appeals
- No revocations

Steve asked what the split was between new and renewals for licenses issued. Annette agreed to include this in future.

#### Post meeting Note

There is a correction in the number of refusals, it was 15 outright refusals and 3 conditional refusals.

Of these 18, 1 was for an ancillary license, 17 for full licenses.

Of the 15 outright refusals, 4 were from new applicants (2 on application, 2 after assessment), 11 were renewal applications.

Of the 3 conditional refusals, 2 were from new applicants, one was a renewal application.

Steve Sadley also asked for the reasons for refusals:

ALU are only able to give very broad categories here. Broadly speaking, 10 refusals were for failures in leadership & management, 1 for planning, monitoring and Plans of

Work, 1 for pattern of poor performance, 1 for planning & competence, 1 for management & knowledge, 1 for failure to assess data & policy & procedures, 1 for management, Plans of Works & knowledge. The 2 on application were due to issues around the applicants.

**Action (3) – ALU to circulate stats and to include split between new/renewals for licenses issued.**

Asbestos Prosecution Update – Rob Hirst

Rob gave a brief description of the role of the ALPI for those new to the group and then highlighted prosecutions since the last meeting. Details of each of the prosecutions can be accessed via the links below:

<http://press.hse.gov.uk/2015/north-devon-housing-company-and-contractor-put-workers-at-risk/>

<http://press.hse.gov.uk/2015/businessman-fined-for-asbestos-failure-in-colwyn-bay/>

<http://press.hse.gov.uk/2015/suffolk-company-in-court-for-unsafe-asbestos-removal/>

<http://press.hse.gov.uk/2015/liverpool-nhs-trust-in-court-over-deadly-asbestos-fibres/>

<http://press.hse.gov.uk/2015/leeds-traders-suspended-jail-sentence-over-asbestos-exposure/>

<http://press.hse.gov.uk/2015/contractor-fined-for-potential-asbestos-risk-2/>

<http://press.hse.gov.uk/2015/dover-man-guilty-of-asbestos-removal/>

<http://press.hse.gov.uk/2015/cheshire-firm-in-court-after-workers-potentially-exposed-to-asbestos/>

**6**

**Any Other Business**

Susan Murray drew the groups attention to the continuing global campaign to sign countries up to the Rotterdam Convention.

Further information is available via the following links:

Union comment: <http://www.industriall-union.org/global-union-action-against-asbestos>

Thursday 14 May official report: <http://www.iisd.ca/download/pdf/enb15229e.pdf>

Wednesday 13 May official report: <http://www.iisd.ca/download/pdf/enb15228e.pdf>

Peter Wilson asked if there was any feedback following circulation of the UCATT “Hard Hat” flyer. There wasn’t so Peter said that he would circulate it again.

Helen Ratcliffe provided some feedback following the recent asbestos campaign. The campaign has been nominated for three media awards. During the campaign 188000 safety kits were distributed through trade points, there were 42000 visits to the web app and there were 350 different bits of coverage in the media, 98% of which were positive.

	The full evaluation had yet to be concluded.
<b>6</b>	<b>Date, time and location of next meeting</b>
6.1	The next meeting will be held on Tuesday 20 <sup>th</sup> October 2015 at 10.30am – HSE’s Office, Mallard House, Kings Road, 3 Peasholme Green, York.

## ALG ACTION TABLE – 20 MAY 2015

<b>Item</b>	<b>Action</b>
3.1	(1) ALU to circulate the link to the new web community pages when up and running.
5.2	(2) Graham Warren to circulate draft LCG by end of June 2015 and the WG to hand back to HSE in July.
5.3	(3) ALU to circulate stats and to include split between new/renewals for licenses issued.