

## **Control of Asbestos at Work Regulations 2002**

Regulation 4 of the Control of Asbestos at Work Regulations places duties upon those who have responsibilities for the maintenance and repair of non-domestic premises where asbestos-containing materials are present or are likely to be present in those premises.

As well as imposing a duty to manage asbestos in premises the Regulations require employers to undertake risk assessments before commencing work which exposes, or is liable to expose, employees to asbestos.

The duty to manage asbestos in non-domestic buildings is not only related to any building project being considered. Even if no building work is planned at present, the duty to manage asbestos exists, but will be highlighted when building owners are obliged to give details of the asbestos register/survey to those about to undertake the building work.

The Government has produced an Approved Code of Practice entitled "The management of asbestos in non-domestic premises" effective from 21 May 2004, which provides advice on how to comply with Regulation 4, and to which employers and duty holders should refer. This available from HSE Books.

Contact HSE Books Tel: 01787 881165 or contact [www.hsebooks.co.uk](http://www.hsebooks.co.uk).

### **Regulation 4 will require duty holders to :**

- Take reasonable steps to find materials in premises likely to contain asbestos and to check their condition ;
- Presume that materials contain asbestos unless there is strong evidence to suppose they do not ;
- Make a written record of the location and condition of asbestos-containing materials and keep the record up to date ;
- Assess the likelihood of anyone being exposed to these materials ; and
- Prepare a plan to manage that risk and put it into effect and ensure that :
  - Any material known or presumed to contain asbestos is kept in good state of repair ;
  - Any material that contains or is presumed to contain asbestos is, because of the risks associated with it's location or condition, repaired or if necessary removed ;
  - Information on the location and condition of the material is given to anyone potentially at risk.

## **Types of Survey**

Health & Safety Executive publication MDHS100 describes the types of survey that can be undertaken :

TYPE 1 : Presumptive Survey : No sampling is carried out. Materials are presumed to contain asbestos unless confident that they do not, and their condition assessed.

TYPE 2 : Sampling Survey : Samples of materials are collected and analysed to confirm or refute the suspected presence of asbestos, and their condition assessed.

TYPE 3 : Destructive / Intrusive Inspection. This survey may require destructive inspection to gain access to all areas, including roof voids, cellars, behind panelling/walls etc

Type 3 surveys will usually be required in areas where major refurbishment or demolition is planned.

You should ensure that the persons undertaking the asbestos survey are suitable trained/qualified. Guidance on this is given in the HSE publication.

## **Further Information**

Further advice is available in the following Health and Safety Executive Publications:

- The Management of Asbestos in Non-domestic Premises : Approved Code of Practice
- A comprehensive guide to Managing Asbestos in Premises