

Asbestos Regulation 2012 (Changes)

The Control of Asbestos Regulations 2012 came into force on 6 April 2012, updating previous asbestos regulations to take account of the European Commission's view that the UK had not fully implemented the EU Directive on exposure to asbestos (Directive 2009/148/EC).

Changes to 2012 Regulations: In practice the changes are fairly limited. They mean that some types of non-licensed work with asbestos now have additional requirements – notification of work, medical surveillance and record keeping. All other requirements remain unchanged.

Notifiable non-licensed work (**NNLW**) is a particular category of non-licensed work that imposes extra requirements on employers. NB. All non-licensed work needs to be carried out with the appropriate controls in place. But for notifiable non-licensed work (**NNLW**), employers also have additional requirements to:

- notify work with asbestos to the relevant enforcing authority;
- ensure medical examinations are carried out; and
- maintain registers of work (health records).

Is my work NNLW?

Whether a type of asbestos work is either licensable, NNLW or non-licensed work has to be determined in each case and will depend on the type of work you are going to carry out, the type of material you are going to work on and its condition. The identification of the type of asbestos-containing material (ACM) to be worked on and an assessment of its condition are important parts of your risk assessment, which needs to be completed before you start work.

Non-licensed work

Most asbestos work must be undertaken by a licensed contractor but any decision on whether particular work is licensable is based on the risk. To be exempt from needing a licence the work must be:

- Sporadic and low intensity - to be considered sporadic and low intensity the concentration of asbestos in the air should not exceed 0.6f/cm³ measured over 10 minutes; and
- Carried out in such a way that the exposure of workers to asbestos will not exceed the legal control limit of 0.1 asbestos fibres per cubic centimetre of air (0.1 f/cm³); and
- Meet at least one of four other conditions:
 - It is a short non-continuous maintenance task, with only non-friable materials (friability describes how likely an ACM is to release asbestos fibres when worked on, so non-friable materials will only release a small number of fibres during work); or
 - It is a removal task, where the ACMs are in reasonable condition and are not being deliberately broken up, and the asbestos fibres are firmly contained within a matrix, e.g. the asbestos is coated, covered or contained within another material, such as cement, paint or plastic; or
 - It is a task where the ACMs are in good condition and are being sealed or encapsulated to ensure they are not easily damaged in the future; or
 - It is an air monitoring and control task to check fibre concentrations in the air, or it's the collection and analysis of asbestos samples to confirm the presence of asbestos in a material.

Some examples of non-licensed work are contained in **Asbestos Essentials**.

Licensed contractor

Most asbestos work must be undertaken by a licensed contractor but any decision on whether particular work is licensable is based on the risk.

Licensable work with asbestos is work:

- where worker exposure to asbestos is not sporadic and of low intensity; or
- where the risk assessment cannot clearly demonstrate that the control limit will not be exceeded i.e. 0.1 asbestos fibres per cubic centimetre of air (0.1 f/cm³); or
- on asbestos coating; or
- on asbestos insulation or asbestos insulating board where the risk assessment demonstrates that the work is not short duration work, e.g. when work with these materials will take no more than two hours in any seven day period, and no one person works for more than one hour in that two hour period.

You will require a licence if you are working with asbestos in any of the above ways as an 'asbestos contractor' on someone else's premises, or within your own premises using your own employees.

Licensed asbestos contractors will undertake a number of ancillary tasks as part of the asbestos removal process (unless they fall within work exempt from the need for licence – see 'Non-licensed work'), for instance:

- setting up and taking down enclosures for notifiable and licensed asbestos work;
- cleaning the structure, plant and equipment inside the enclosure.

Some other workers may also have an 'ancillary' license allowing them to do certain types of work, including:

- putting up and taking down scaffolding to provide access for licensable work where it is foreseeable that the scaffolding activity is likely to disturb the asbestos
- maintaining air extraction equipment (which includes 'negative pressure' units)

Although you may not need a licence to carry out a particular job, you will still need to make sure that you comply with general rules detailed under the Control of Asbestos Regulations 2012 to prevent exposure to asbestos.

Please note: For most jobs, it is an offence to work with asbestos without a licence and you could be prosecuted. It is strongly recommended that a competent professional is consulted prior to any work taking place.

The **illustration of asbestos work categories chart** gives some examples of what work falls into the categories of licensed, notifiable non-licensed and non-licensed.

All non-licensed and notifiable non-licensed work with asbestos needs to be carried out with the appropriate controls and training in place, to protect those doing the work (and others in the area) from the risks to health that exposure to asbestos causes.