

Asbestos Licences and Ancillary Work Involving the Scaffolding Contractor

1.0 INTRODUCTION

This NASC guidance note has been written to reflect the Control of Asbestos Regulations 2012 and has been produced following consultation and advice from the Asbestos Licensing Unit (ALU). (ACOP Ref: Managing and working with Asbestos – Control of Asbestos Regulations 2012 – L143 and follows ALG Memo 01/10 Ancillary asbestos licenses for scaffolding.) The guidance identifies when the scaffold contractor will require a licence and the precautionary safe working procedures that must be followed when working in proximity to asbestos insulation, asbestos coating, asbestos insulating board or any other Asbestos Containing Materials (ACM's) where it is foreseeable that the scaffolding activity is likely to disturb asbestos. Recent changes brought about by Control of Asbestos Regulations 2012 have resulted in a three tier approach within asbestos legislation – Licensing (as normal) – Non-licensed (as normal) – New category: notifiable non-licensed work (NNLW) the new change (NNLW) will require employers.

- By 30 April 2015, all workers carrying out NNLW will need to have had a medical examination. Examinations which will then need to be repeated at least every 3 years, as long as the worker continues to do NNLW.

After April 2015, workers carrying out NNLW for the first time will have to have an examination before they can start such work.

- Health records must be kept and retained for 40 years or until the person reaches 80 years of age including nature and duration of activity and the exposure to which they have been subjected.
- The HSE have introduced a new notification system and essentially there will be three categories of asbestos work:
 - Licensed & notifiable – as per the current system [This involves giving 14 days' notice of work with asbestos].
 - Notifiable None Licensable Work – for notifiable none licensable works where the ACM will be deteriorated during the works [This will be an online system with notification just prior to the work being undertaken – details are available on the HSE website].
 - Non-licensable & non-notifiable – where the ACM will not deteriorate during the works.

Scaffolding contractors may be asked to undertake contracts in situations where asbestos insulation, asbestos coating or asbestos insulating board is in close proximity to the work and may be damaged or in poor condition. Although scaffolding contractors do not usually enter a workplace to carry out work on or with ACM's, a licence will be required from the HSE for ancillary work and notification will be required for putting up and taking down scaffolding, including any scaffold, to provide access or the frame work for an asbestos enclosure for licensable work where it is foreseeable that the scaffolding activity is likely to disturb asbestos.

Certain types of work with ACMs can only be done by those who have been issued with a licence by HSE. This is work which meets the definition of 'licensable work with asbestos'. That is work:

- where worker exposure to asbestos is not sporadic and of low intensity;
- where the risk assessment cannot clearly demonstrate that the control limit (0.1 f/cm³ airborne fibres averaged over a four-hour period) will not be exceeded; or

- on asbestos coating (surface coatings which contain asbestos for fire protection, heat insulation or sound insulation but not including textured decorative coatings); or
- on asbestos insulation or AIB where the risk assessment demonstrates that the work is not sporadic and of low intensity, the control limit will be exceeded and it is not short duration work.

2.0 WHEN A SCAFFOLD CONTRACTOR WILL REQUIRE A LICENCE

Typical Examples of Licensed Work with ACM'S

You will require a licence for erecting and dismantling scaffolding to provide access for licensable work where it is foreseeable that the scaffolding activity is likely to disturb the asbestos containing material:

- A scaffold is required as part of an environmental clean. The ACM's are in poor condition: e.g. there is debris, such as broken AIB tiles in the work area.
- Scaffolding is required for a licensed removal job in a boiler house. The design of the scaffold is complex, it is a very restricted space and work will be in very close proximity to ACM's.
- Scaffolding is required in a live asbestos enclosure.

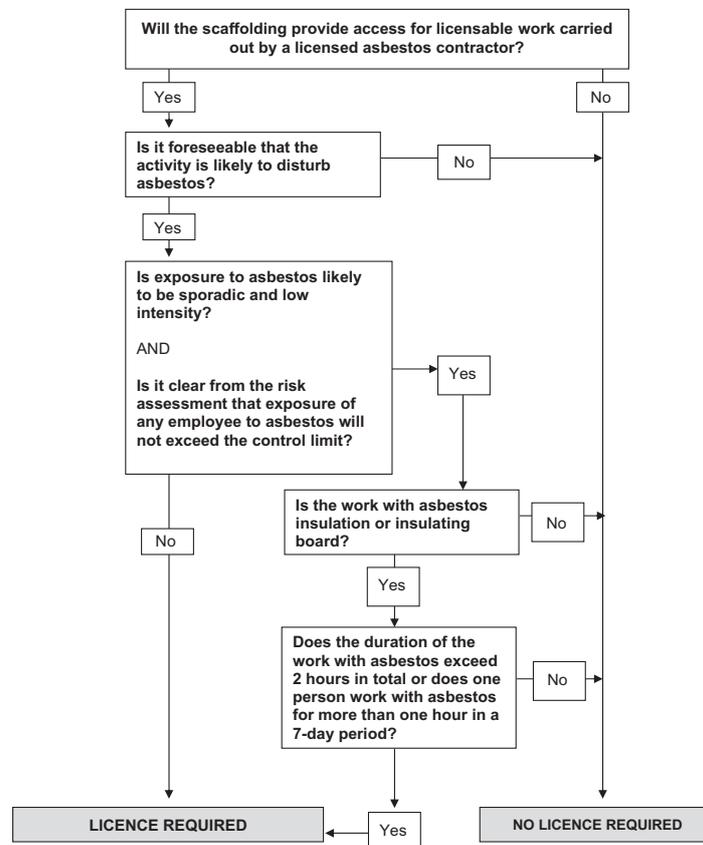
Typical Examples of Work that does not require a Licence

A Licence will not be required:

- An access scaffold is required in order to provide the licensed removal contractor with access to AIB ceiling tiles. The AIB tiles are in good condition.
- Access scaffolding is required to provide access to pipe work for a lagging removal job containing ACM's. The pipe lagging is in good condition.

A licensed scaffolding contractor is only required when contaminated working will take place, or is likely to take place.

Annex 1



3.0 ASSESSMENT OF CONDITIONS

In accordance with the HSE Approved Code of Practice ACOP Managing and working with Asbestos Control of Asbestos Regulations 2012 L143 Reg.4 / Para: 82 The main duty holder is required to ensure that a written plan is prepared that shows where the ACM is located and how it will be managed to prevent exposure to asbestos, including to contractors and other workers who may carry out work on the fabric of the building that could disturb the ACM. This plan then needs to be put into action and communicated to those affected. The duty holder needs to ensure the plan is reviewed regularly and updated as circumstances change, in consultation with all those who may be affected.

You should receive information from your client/principal contractor (i.e. an up to date asbestos survey) indicating the presence or not of ACM's in the working area in advance of tendering for the work. This information should be contained in the Pre-construction information if CDM applies or within the tender documentation if CDM does not apply. If you receive no such information it is recommended that you do not undertake any work until an up to date asbestos survey has been provided.

If you receive information stating that ACM's are present you should seek information from the client, owner or occupier of the premises about the type, nature and condition of the material and whether it is asbestos insulation, asbestos coating or asbestos insulating board. Having established that there are ACM's present, you will then need to assess whether or not you are likely to disturb it during the erection, maintenance, inspection, and alteration or dismantling of your scaffolding.

NB: This guidance applies to commercial contractual applications and not arrangements made directly with householders of domestic premises.

If you will be working directly for a domestic client and there are no other contractors involved you will need to make your own arrangements to assess any existing damage or any materials that you may disturb. You may need to take advice from an asbestos surveyor.

Always refer to historical background and personal monitoring data from similar types of work previously undertaken and from industry ACOP's and guidance notes.

Where it is evident that there is damaged asbestos in the area where the scaffold is to be erected, it is paramount that an environmental clean is undertaken or any damaged asbestos is repaired and made safe by the Licenced Contractor before any scaffold work is undertaken.

4.0 TRAINING & AWARENESS

The main types of Asbestos Training to be considered by the Scaffold Contractor are:

4.1 General awareness training for scaffolders likely to work in the proximity of ACM's

This training is required to be given to employees who are likely to work in the proximity of ACM's whilst erecting, altering or dismantling scaffolding.

The training should cover the following topics in appropriate detail and be given in accordance with ACOP Managing and working with Asbestos Control of Asbestos Regulations 2012 L143.

Para: 232 Asbestos awareness training should be given to employees whose work could foreseeably disturb the fabric of a building and expose them to asbestos or who supervise or influence the work.

Para: 233 in particular, it should be given to those workers in the refurbishment, maintenance and allied trades where it is foreseeable that ACMs may become exposed during their work.

Para: 234 this requirement does not apply where the employer can demonstrate that work will only be carried out in or on premises free of ACMs. This information should be available as a result of the assessment made

by the duty holder under the duty to manage in regulation 4 and the duty on the employer to identify the presence of asbestos in regulation 5.

Para: 235 Asbestos awareness training should cover the following topics:

The properties of asbestos and its effects on health, including the increased risk of lung cancer for asbestos workers who smoke; the types, uses and likely occurrence of asbestos and ACMs in buildings and plant; the general procedures to be followed to deal with an emergency, e.g. an uncontrolled release of asbestos dust into the workplace;

4.2 Awareness training for Scaffolders undertaking Licensable work with ACM's

This type of training should be given to all licensed scaffolders who are involved in licensable work.

The training should cover the following topics in appropriate detail and be given in accordance with ACOP Managing and working with Asbestos Control of Asbestos Regulations 2012 L143.

Asbestos awareness training for scaffolders should cover the following modules set out in HSG 247 Asbestos The Licensed Contractors Guide.

Module 20 How to avoid exposure when working near asbestos; types of asbestos fibres characteristics, uses, identification methods (introduction); nature and levels of risk for different groups of ACMs; types of products that may contain asbestos; likely locations; how fibres cause disease; types of asbestos related diseases and how they are related to exposure.

Module 21 How to recognise that exposure has occurred; how to deal with minor and gross contamination; decontamination procedures; what RPE and PPE to wear and when.

Module 22 Legal responsibilities of individuals, employer and management; the role of the asbestos removal company and supervisory licence holder; the information that should be shared between all parties.

Module 23 Scaffold supervisors/managers/directors.

RA and POW; introduction to what enclosures are for and how they are built; monitoring of site conditions; site set-up; emergency procedures.

4.3 Management and Supervisor Training

To assist employers to comply with their legal duties under the ACOP Managing and working with Asbestos Control of Asbestos Regulations 2012, in addition to completing the training detailed in section 4.2, extra training should be given to supervisors, managers, directors and supervisory licence holders at an appropriate level, so that they can effectively carry out their role on site. Refer to: ACOP – Guidance on Regulation 10 paragraph 252 of the ACOP Managing and working with Asbestos Control of Asbestos Regulations 2012 states. To help employers comply with their legal duties under the Regulations, additional training, at an appropriate level, should be given to supervisors, managers and directors, so that they can effectively carry out their role on site.

4.4 Refresher Training

Operatives, supervisors and managers should all receive refresher training on an annual basis. Where possible this should be suitably tailored to improve knowledge gaps and should be appropriate to the role undertaken.

Training on its own does not make people working with asbestos competent. Consolidation of skills and knowledge will be required together with some form of assessment which can be incorporated into the training needs analysis.

5.0 NOTIFICATION TO ENFORCING AUTHORITY – LICENSED WORK

A condition of your licence and the Regulations is that you must give the relevant enforcing authority (HSE/Local Authority) at least 14 clear day's written notice of your intention to carry out the work. This is in addition to the notification given by any asbestos removal contractors who are working within an enclosure. If you are using any sub contractors on your behalf, they will also require a licence and must notify HSE.

6.0 GENERAL SAFE WORKING PROCEDURES

6.1 Considerations for erecting all scaffolding work requiring a licence

Whether erecting a structure to form all or part of an enclosure or providing access for contractors to carry out work on ACM's, you should ensure that the ACM's are not disturbed as a result of your activities. You must carry out a site specific risk assessment of the work and draw up a plan of work; sometimes called a method statement. This should be prepared after making a site visit to price the job and prior to notifying the work.

The licensed scaffolder must prepare a written plan of work before the work starts. This should provide details of how the work is to be carried out and prepared with the co-operation of the full licence holder. The purpose of it is to provide guidance and instructions to site personnel. It must include the following information:

- the nature and probable duration of the work;
- the number of persons involved in the work;
- the address and location where the work is to be carried out;
- the methods to be used to prevent or reduce exposure;
- the type of PPE and RPE;
- equipment to be used for decontamination, including the decontamination unit (DCU);
- emergency procedures;
- a plan including site layout and a description of the location and nature of the asbestos which will be disturbed by the work;
- how the asbestos zone will be established and transit routes to the DCU;
- the scaffold design; and details of scaffold inspections.

To avoid disturbing ACM's you should consider the following:

- (a) Identify the location and condition of the ACM's.
- (b) Ensure that all operatives are aware of the location of any ACM's.
- (c) Reducing the length of tubes if they are within reach of the ACM's.
- (d) Additional control measures i.e. pre-wrapping the pipe work, an environmental pre-clean by the licensed removal contractor etc.

6.2 Considerations prior to dismantling or alteration of a scaffold

In areas where asbestos has been removed the asbestos removal contractor should have thoroughly cleaned the scaffolding and the area inside the enclosure. The cleaning should include the inside surfaces of the enclosure, and all equipment which has been used inside the enclosure. For all scaffold work, licensed or non-licensed, it is preferable that this is confirmed by the issuing of a copy of the re-occupation certificate or confirmation from the client (in writing) that the scaffold is free from contamination.

6.3 Emergency Procedures

On all licensed work with asbestos, scaffolding contractors must ensure that there are adequate emergency procedures in place to deal with accidents and incidents and have arrangements in place to deal with any accidental asbestos contamination.

6.4 Protective Equipment and Clothing for all licensable work with asbestos

When scaffolders are undertaking licensable work with asbestos, i.e. they are erecting the frame work for an asbestos enclosure and there is a potential to disturb ACM's; they should wear appropriate protective clothing as detailed below.

Protective clothing

Disposable overalls (Approved for asbestos work) Type 5/6 are normally preferable to cotton type overalls as this removes the need for sending them to a laundry suitably equipped to handle clothing contaminated with asbestos.

The overalls should be hooded with elasticised cuffs and no pockets or attachments, however, the final choice will depend on the assessment and the suitability of the protective clothing for the work, for example working outside in cold and wet conditions may require waterproof clothing and some projects may require fire/flame retardant overalls. You will also need to consider wear and tear on the overalls particularly where harnesses are worn whilst erecting scaffolding. Where scaffolders work in proximity to ACM's it would be appropriate to consider separate harnesses for the working area and transiting. In the event of accidental asbestos contamination any equipment and tools that cannot be cleaned must be disposed of as contaminated waste.

Disposable overalls should be disposed of as asbestos waste at the end of each shift and must never be taken home.

Protective footwear

Appropriate safety footwear should be worn. Where scaffolders often work in proximity to ACM's it would be appropriate for operatives to have dirty boots for these areas and clean boots for areas where no ACM's could be disturbed. During work in live asbestos enclosures, Wellington (or similar) boots should be worn.

NB: Asbestos fibres can contaminate laced boots, which are difficult to clean.

If at any time scaffolders potential exceed the asbestos control limit of $0.1f/cm^3$ or $0.6 f/cm^3$ peak level measured over 10 minutes, i.e. is required to enter a live asbestos enclosure to carry out modifications / alterations to the erected enclosure he must be in possession of an in date asbestos medical certificate and the employer must undertake health surveillance.

There is a lot of confusion out there about what control limit figures mean. $0.6f/cm^3$ over 10 minutes is the same as saying 600 fibres per litre (ie $1000cm^3$ per litre). And a manual person breathing 3 litres 12 times a minute will inhale 1800 fibres per breath which is 360 litres in 10 minutes which is 216,000 fibres before the control limit is breached. A lot of these get breathed straight out again but sometimes it helps to say that the control limit is actually a lot of fibres and RPE should be worn whenever working in an area that could contain airborne asbestos fibres.

Respiratory Protective Equipment

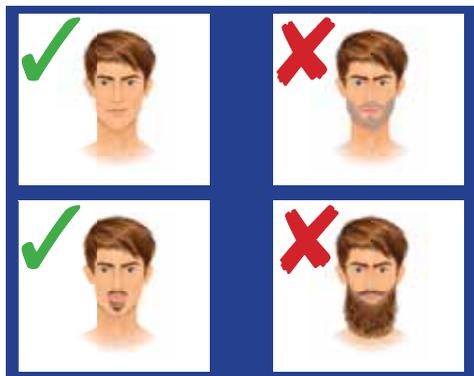
The performance of tight-fitting face masks depends on achieving a good contact between the wearer's skin and the face seal of the mask. As people's faces have a range of shapes and sizes it is unlikely that one particular type, or size of face mask, will fit everyone. Inadequate fit will significantly reduce the protection provided to the wearer. To make sure that the selected face mask can provide adequate protection for the wearer, a fit test should be carried out. The test should be carried out as part of the initial selection of the RPE. The fit test must be carried out for each manufacturers make and model of RPE.

Following a certified face fit test, appropriate Respiratory Protective Equipment (RPE) must be provided and used by scaffolders where ACM's have been or are likely to be disturbed. All persons using RPE must be

clean-shaven, no beards, long side-burns or stubble. There may be occasions where further face fit tests will be required e.g. following weight gain, weight loss, a facial scar dentistry, a change of equipment, or a change to your company policy.

NB: The type and suitability of all RPE can only be determined via assessment of the hazards

Many masks rely on a good seal against the face so that, when you breathe air in, it is drawn into the filter material where the air is cleaned. If there are any gaps around the edges of the mask, 'dirty' air will pass through these gaps and into your lungs. It is therefore very important that you put your mask on correctly and check for a good fit every time.



Facial hair – stubble and beards – make it impossible to get a good seal of the mask to the face.

If you are clean-shaven when wearing tight-fitting masks (ie those which rely on a good seal to the face), this will help prevent leakage of contaminated air around the edges of the mask and into your lungs. You will therefore be breathing in clean air, which will help you stay healthy.

If there are good reasons for having a beard (eg for religious reasons), alternative forms of RPE, that do not rely on a tight fit to the face, are available.

Please see pictorials above.

Cleaning and hygiene facilities

The provision of a hygiene unit is essential for licensed asbestos work. Arrangements should be made to ensure that the DCU is on site and functioning at the very start of the job before any work commences.

Licensed asbestos removal contractors should always provide decontamination facilities for their work. The licensed scaffold contractor will normally make arrangements with the licensed contractor for them to provide their unit on a formal shared basis before starting any notifiable work. Arrangements must be in place to ensure that joint access is available.

NB: When you receive a hygiene facility, you should also check that there is a clearance certificate available from the last job. Along with an in date DOP certificate / electrical certificate and a gas certificate if applicable. if not, that unit must not be used.

7.0 HEALTH RECORDS & MEDICAL SURVEILLANCE

Medical Surveillance:

- All operatives undertaking licensed work with asbestos must have undergone a minimum 2 yearly medical check by an approved doctor (ie one appointed by the HSE).
- All operatives undertaking notifiable non licensed work with asbestos must have undergone a minimum 3 yearly medical check by an approved doctor.
- Operatives undertaking intermittent and sporadic work with asbestos where the control limit will not be exceeded do not require to be under medical surveillance.

A copy of the certificate issued by the appointed doctor must be retained by the employer for at least four years.

Health Surveillance:

Exposure records must be prepared and maintained for each operative carrying out licensed or notifiable non-licensed work with asbestos. These records must be retained for 40 years and each operative must be able to view their own record when they request it. The exposure records must include a system to ensure reminder when an asbestos medical becomes due. In the event of a company ceasing to trade within the 40 year period, its asbestos health surveillance records must be provided to the HSE.

- For licensable work the record must identify the operative, list the weekly exposure times, exposure levels, type of asbestos involved and RPE used.
- For notifiable non-licensable work the record must include the nature of the work, its duration and the exposure level.
- Records do not need to be kept for operatives undertaking intermittent and sporadic work with asbestos where the control limit will not be exceeded.

See ACOP Regulation 22 and guidance for more information: www.hse.gov.uk/pubns/books/l143.htm

8.0 APPLYING FOR A LICENCE

A Licence information pack including a licence application form is obtainable from the HSE Asbestos Licensing Unit Tel: 0131 247 2135.

9.0 FURTHER REFERENCE

Specialist advice on work with asbestos is available from:

Local HSE Inspector
HSE Asbestos Licensing Unit, Edinburgh
Asbestos Control and Abatement Division of TICA (ACAD)
Asbestos Removal Contractors Association (ARCA)
United Kingdom Asbestos Training Association (UKATA)

HSE web pages giving advice on asbestos and the legislation:

<http://www.hse.gov.uk/asbestos/>

Download a free copy of the Control of Asbestos Approved Code of Practice:

<http://www.hse.gov.uk/pubns/books/l143.htm>

Asbestos licensing information: [http://www.hse.gov.uk/](http://www.hse.gov.uk/asbestos/licensing/index.htm)

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Whilst every effort has been made to provide reliable and accurate information, we would welcome any corrections to information provided by the Writer which may not be entirely accurate, therefore and for this reason, the NASC or indeed the Writer, cannot accept responsibility for any misinformation posted.



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