

**Subject:**

**CONTROL OF ASBESTOS AT WORK REGULATIONS  
(NI) 2003**

**Circular Number:**

2003/20

**Date of Issue:**

17 December 2003

**Target Audience:**

- Principals and Boards of Governors of all grant-aided schools;
- Education and Library Boards;
- Council for Catholic Maintained Schools;
- Iontaobhas na Gaelscolaiocta.

**Summary of Contents:**

**This Circular contains advice about the requirements of the Control of Asbestos at Work Regulations (NI) 2003. Copies of the regulations can be obtained from the Stationery Office, 16 Arthur Street, Belfast BT1 3GD, Price £3.50.**

**Enquiries:**

Any enquiries about the contents of this Circular should be addressed to:

Mr John Magennis  
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**Governor Awareness:**

Essential

**Status of Contents:**

Advice

**Related Documents:**

HSE Booklet "A Comprehensive Guide to Managing Asbestos in Premises" (2003).  
Health and Safety at Work Order (NI) 1978.  
The Asbestos (Licensing) Regulations (NI) 1984 (as amended).  
DE Circular 1988/26 "The Use of Asbestos in Educational Establishments".  
The Asbestos (Prohibitions) Regulations 1993 (as amended).  
The Construction (Design and Management) Regulations 1994 (as amended).  
Management of Health and Safety at Work Regulations (NI) 2000.

**Superseded Documents:**

Control of Asbestos at Work Regulations (NI) 1988.

**Expiry Date:**

Not applicable

**DE Website:**

<http://www.deni.gov.uk>

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**Additional Copies:**

028 9127 9924

## **Glossary of Terms**

ACMs	Asbestos containing materials
CAWR	Control of Asbestos at Work Regulations
Duty Holder	Every person, as defined in Regulation 4 of the Control of Asbestos at Work Regulations 2003, with a duty to manage asbestos in non-domestic premises. See also paragraph 4 of this Circular.
ELBs	Education and Library Boards
Encapsulators	Sealing materials.
GMI	Grant-Maintained Integrated
HSE	Health and Safety Executive
ISO 17025	Accreditation standard for the sampling and testing of asbestos containing materials.

## **Background**

1. The purpose of this Circular is to advise Education and Library Boards (ELBs) and other school authorities of the requirements of the Control of Asbestos at Work Regulations (NI) 2003 (CAWR 2003) and the steps necessary to ensure compliance.

2. Whilst the new legislation closely follows the requirements of the 1988 regulations<sup>1</sup>(which are now revoked), the main change is that there is now an explicit duty on persons responsible for the maintenance and repair of non-domestic premises to manage asbestos. The duty to manage requires such persons to:

- **take reasonable steps to determine the location and condition of material likely to contain asbestos;**
- **presume that materials contain asbestos unless there is clear evidence that they do not;**
- **make and keep an up-to-date record of the location and condition of asbestos containing materials (ACMs) or presumed ACMs;**
- **assess the risk of the likelihood of anyone being exposed to fibres from this ACMs;**
- **prepare a plan setting out how the risks from these materials are to be managed;**
- **take necessary steps to put the plan into action;**
- **review and monitor the plan periodically; and**
- **provide information on the location and condition of the materials to anyone who is liable to work on or disturb them.**

## **Dutyholders**

3. The onus of complying with the 2003 Regulations rests with the employer in occupation, if that person is in control of maintenance activities. An owner who rents or leases out premises under agreements where the tenants are responsible for all alterations, maintenance and repairs, must still provide any relevant information on the premises that the employer may need to comply with Regulation 4. Where sole responsibility rests with the owner or agent, for example in the common parts of multi-occupied buildings, the owner must comply with the legislation for those premises or part of them.

4. The following are identified as “dutyholders” in respect of the duty to manage ACMs in school premises and other educational properties:-

- a. Education and Library Boards in cases where they own or maintain educational properties;
- b. Voluntary grammar and grant-maintained integrated school authorities who have responsibility for capital and maintenance works; and

<sup>1</sup> Control of Asbestos at Work Regulations (Northern Ireland) 1988 (SR 1988 No 74)

- c. School trustees in maintained and Irish-medium schools where they are responsible for capital works.
4. Dutyholders must satisfy all the requirements of the duty outlined in Regulation 4 of the CAW Regulations 2003 to manage asbestos by 21 May 2004. Detailed guidance on implementing Regulation 4 is given in the Health and Safety Executive's publication HSG 227 "A Comprehensive Guide to Managing Asbestos in Premises", copies of which can be obtained from the Stationary Office, priced £12.50. In addition, operational units within ELBs or firms involved in sampling and testing ACMs in accordance with Regulation 20 of the legislation, need to be accredited to ISO 17025 by 21 November 2004.
5. In order to comply with these CAW Regulations, all dutyholders will need to take a number of steps, the first of which will be the identification of asbestos, its condition and the associated risk assessments, across the education estate. The Department of Education has asked Education and Library Boards to co-ordinate asbestos surveys for all properties within the education sector. This process will record the presence, location, quantity and condition of ACMs in accordance with Health and Safety Executive Guidelines "Methods for the Determination of Hazardous Substances 100".
6. In accordance with the Control of Asbestos at Work Regulations (NI) 2003, where the assessment shows that asbestos is or is liable to be present, the dutyholder must ensure that:-
  - a. a written plan identifying those parts of the premises concerned is prepared; and
  - b. the measures that are to be taken for managing the risk are specified in the written plan.
7. The measures to be specified in the plan for managing the risk should include adequate arrangements for i. monitoring the condition of any asbestos or any such substance that is suspected of containing asbestos; ii. ensuring that any asbestos or any such substance is properly maintained or where necessary safely removed; and iii. ensuring that information about the location and condition of any asbestos or any such substance is provided to every person liable to disturb it and made available to the emergency services.
8. In accordance with the 2003 Regulations, the dutyholder needs to ensure that the plan is reviewed at regular intervals if there is reason to suspect that the plan is no longer valid or there has been a significant change in the premises to which the plan relates. All measures specified in the plan must be implemented by the dutyholder and recorded.

### **Management Plans**

9. All Education and Library Boards are drawing up management action plans for managing asbestos in respect of all properties that they own or have a maintenance responsibility. The voluntary grammar school and grant-maintained integrated [school sectors should also prepare similar plans so as to establish clear lines of responsibility for the managements and control of asbestos. As Boards are undertaking the initial surveys to locate and assess the Asbestos Containing Materials, they should ensure the results for voluntary grammar and grant-maintained integrated schools are passed to the relevant school authorities. They in turn should ensure that the results are recorded in an easily retrievable form, which can then be used to make a risk assessment and draw up a management plan for the on-going control of the asbestos.

10. The management plan should include:

- procedures for those likely to disturb ACMs eg contractors, premises managers, Board Officers, etc;
- detailed arrangements for managing ACMs, eg monitoring their condition;
- remedial actions, eg clean ups, repairs and encapsulators;
- Removal Programme;
- Control of Access to ACMs (Permit to work system);
- how information is cascaded to those who need it;
- training;
- Property Register of ACMs.

11. Appendix 1 attached covers these areas in more depth and it is important that all school authorities follow these procedures at all times.

### **Asbestos Surveys**

12. Education and Library Boards are presently undertaking asbestos surveys across all school sectors and other properties for which ELBs have a maintenance responsibility. In addition, Boards are developing management plans to manage the risk in buildings that they own or for which they have maintenance responsibilities. The procedures in the Management Plan will need to be adhered to carefully where both the Boards and school trustees are undertaking work in particular schools. The Boards will provide voluntary grammar and grant-maintained integrated schools with information on the initial asbestos surveys so that these schools can prepare similar management plans in accordance with the procedures outlined in paragraph 9. above. ACMs that are in good condition and not likely to be disturbed should be left in place and their condition monitored.

### **Advice**

13. Any further advice or guidance can be obtained from John Magennis in the Department's Building Branch (Tel: 028 9127 9469 or E-Mail: [john.Magennis@deni.gov.uk](mailto:john.Magennis@deni.gov.uk)).

### **Acknowledgement**

14. The Department would wish to acknowledge the assistance given by the South-Eastern Education and Library Board with relevant material for inclusion in this Circular.

**SEAN JOHNSTON**  
**Head of Building Branch**

## ASBESTOS MANAGEMENT PLAN

### Risk Assessment

1. Asbestos Containing Materials (ACMs), identified or presumed during the initial surveys presently being initiated by Education and Library Boards, will have to be assessed in terms of their likelihood of releasing fibres into the environment and consequently the potential risk they pose to building occupants. Guidance on risk assessment is contained in the HSE document “A Comprehensive Guide to Managing Asbestos in Premises”. The risk assessment recommended by HSE takes place in two stages:

- Material assessment (completed by property surveyor who is undertaking asbestos surveys).
- Risk priority assessment (completed by those authorities who own or have a maintenance responsibility ie ELBs, voluntary grammar schools and grant-maintained integrated schools).

2. The material assessment will score product type, extent of damage/deterioration, surface treatment and asbestos type to give very low, low, medium potential and high potential to release fibres, if disturbed. In the case of the risk priority assessment, this needs to take into account the following factors:

- Occupant activity.
- Likelihood of disturbance (location of ACM, accessibility and the amount or extent of the ACM).
- Human exposure potential (number of occupants, frequency/average time of use of area).
- Maintenance activity.

3. These factors are then scored and added to the material assessment giving a total “risk factor”. This will then form the basis of the localised management plan for individual materials within individual properties. In the case of voluntary grammar and grant-maintained integrated school authorities, Education and Library Boards are willing to provide advice and guidance on how **risk assessments** should be conducted and used in conjunction with **material assessments** to influence what management actions might be taken.

4. Management actions will fall into four broad categories:-

- a Below 10 - Very low risk, no immediate action beyond identification and recording, will require annual inspection and monitoring of condition, accessibility etc;
- b 10-14 - Generally no immediate action required beyond identification and recording, will require annual or 6-monthly re-inspection and monitoring of condition, accessibility etc;
- c 15-20 - Medium risk requires near/short-term attention, localised repair or decontamination, possible need to limit access to areas until materials at risk is reduced; and

d. Above 20 - High risk requires attention urgently, access to area should be restricted immediately, permit to work process required, removal or decontamination should be strongly considered.

5. The recommended action required for the treatment and management of asbestos materials, based on each items' potential for fibre release and as recommended by HSE guidance, are categorised as follows:

- Leave the material in place without sealing and introduce a management system.
- Leave the material in place, enclose or encapsulate and introduce a management system.
- Removal and disposal of the asbestos containing material.

### **Management System**

6. It is not normally necessary to seal, enclose or remove ACMs that are sound, undamaged and are not releasing dust. These can be left in place but a management system must be introduced by dutyholders that will require some or all of the following steps to be taken:-

- a. the presence of ACMs will be noted on floor plans or other records and updated as necessary;
- b. the ACM Property Register (see paragraph 12 below) will be available to directly employed maintenance staff, contractors tendering for work or to the successful contractor. This will allow for proper work planning and the avoidance of uncontrolled release of asbestos fibres;
- c. the ACM will be inspected periodically to ensure that the condition of the material has not deteriorated;
- d. procedures for reporting when an ACM has been accidentally damaged;
- e. the ACM can remain in place as long as it is intact, well-maintained and not releasing fibres into the environment.

### **Sealing and Repair**

7. Sealing (or encapsulation) requires the application of some form of coating. This may be paint, polymeric, bituminous or cement based coatings. The sealing system selected will depend on the nature of the ACM, the degree of damage, the protection required and the surface flammability requirements. The sealing coat must adhere firmly and the integrity of the ACM must be sufficient to carry the sealing coat. ACMs must be firmly attached to the substrate. Where asbestos insulation has been used to provide fire protection, the fire hazard must not be increased by the use of combustible sealant.

### **Removal**

8. When it is not possible to seal an ACM effectively and it is likely to release dust, it may be decided to remove it completely. Removal may be the most cost-effective solution in situations

where the ACM may be disturbed frequently eg during maintenance work. Depending on the circumstances, the asbestos removal may be complete or restricted to a small vulnerable area. Temporary repair, sealing or enclosure may be required to render the ACMs safe pending removal. When asbestos fire protection material is to be removed, it must be immediately replaced with materials having at least an equivalent fire performance.

9. The removal of ACMs (with the exception of asbestos cement products) must be carried out under controlled conditions, by a contractor licensed by the Health and Safety Executive for Northern Ireland (HSENI) to work with asbestos. Such work should also be undertaken in accordance with current legislation and HSE guidance (details of all health and safety legislation and advice relating to asbestos can be obtained on the HSE's website [www.hse.gov.uk](http://www.hse.gov.uk)). It should be noted that licensed asbestos removal contractors, under the terms of their licence, must notify the HSENI a minimum of 14 days before they intend to remove such items. In exceptional circumstances, the Executive may grant a waiver eg if they consider an immediate and serious risk to health and safety is present.

10. Work on the removal of asbestos cement products should be carried out in accordance with precautions and procedures contained in the Health and Safety Executive's HSG publication 189/2 "Working with Asbestos Cement". When asbestos operations have been completed, a suitably qualified and accredited laboratory should be appointed, preferably by the relevant duty holder (see paragraph 4 of Circular), to carry out asbestos air tests to ensure the relevant building is suitable for occupation. This protective measure will prevent false or photocopied licences being produced.

11. A contractor is legally required to prepare a risk assessment and plan work before undertaking any work on ACMs to ensure compliance with health and safety legislation. Any waste generated by the works must be disposed of as asbestos waste in accordance with current special waste disposal regulations. The works should be inspected/tested by an independent suitably qualified and accredited company. The Construction (Design and Management) Regulations (NI) 1998 will also apply.

### **Property Registers**

12. Through a combination of surveying and risk assessment, dutyholders must produce a register for each property containing:

- remit of the initial survey;
- areas included in the initial survey;
- areas excluded or unable to be accessed;
- details of the type survey carried out eg type 2 in most cases;
- details of the surveyors involved;
- details of all identified asbestos containing materials and presumed materials including:
  - \* Location;
  - \* Component type;
  - \* Fibre Type;
  - \* Condition;
  - \* Surface Treatment;
  - \* Accessibility;
  - \* Total risk assessment score;

- \* Recommendations for management;
- \* Re-inspection intervals;
- \* Floor plans indicating areas containing ACM or presumed ACM.

13. An example of an individual property register is given in Appendix 2. The information within these registers is intended to serve two main purposes. First, to record the location and condition of ACMs or presumed ACMs and allow for regular inspection and monitoring. Second, to provide those who are required to carry out operations within properties (eg building contractors, maintenance personnel, etc) with a single source of reference indicating the location and condition of all ACMs. This is important since there is always the potential to disturb such materials during capital/maintenance work.

14. As Education and Library Boards will be co-ordinating the initial asbestos surveys across all school sectors, they should provide each voluntary grammar and grant-maintained integrated school with a copy of the register. It would also be helpful if Board Officers could liaise with these schools' authorities on any corrective actions that need to be taken and how to instigate appropriate remedial measures.

### **Data Management**

15. Registers for all individual properties should be held in two main formats. Data should be held centrally by the Boards in an electronic database stored within the existing Property Service IT infrastructure. Individual properties, including voluntary grammar and grant-maintained integrated schools, will be issued with a paper copy of the register relevant to their particular property. It would also be helpful if registers for individual buildings could be held on floppy disk and made available to all schools, etc.

### **Change Management**

16. Dutyholders specified in paragraph 4 of the Circular will be responsible for the security, storage and updating of all data relating to the register. Amended documents should be issued to individual properties at regular intervals as re-inspections take place.

### **Notification of Asbestos Procedures**

17. Procedures should be drawn up by dutyholders to provide clear courses of action/information flow to allow staff, premises managers etc to deal safely with any incidents or occurrences that may or are suspected of having the possibility of disturbing ACMs. Education and Library Boards have already prepared such procedures and other relevant dutyholders (see paragraph 3 of Circular) should, therefore, consult Boards for advice on preparing similar documentation for their sectors. This of course would be on the understanding that any sample procedures or advice and any actions arising would be given on the basis that ELBs would not be liable for any resultant action taken by other school authorities.

### **Permit to Work**

18. The permit to work system is intended to provide a means of controlling and managing works involving asbestos repair/removal or other projects that are known to have a high risk of disturbing possible ACMs. In addition to the general permit to work process, additional control measures specifically aimed at particular tasks may be introduced (eg routine boiler cleaning/inspection). Education and Library Boards will be responsible for the issue and control

of all permits to work relating to asbestos for premises which they own or have a maintenance responsibility. Other school authorities should seek advice from their own consultants in relation to what permits are required for such schemes.

### **Incident Reporting**

19. While the identification strategy and property registers are intended to reduce and control the potential risks from ACMs, it is accepted that a method of reporting and recording individual incidents involving ACMs or suspected ACMs is also required. All incidents involving the discovery of ACMs, accidental or otherwise, the release of asbestos fibres or any other incident occurring outside the scope of the established management procedures must be reported on a Incident Report Form. This should record the location/address, telephone number, date and time reported, name of person reporting the incident, a summary of the incident and any interim action taken on site. Completed forms should be retained by dutyholders for record purposes in accordance with the Control of Asbestos at Work Regulations (NI) 2003.

### **Training**

20. In order to successfully implement the processes and procedures contained with the management plan, it is essential that all relevant personnel have sufficient knowledge to enable them to carry out their duties and fulfil responsibilities safely.

21. Education and Library Boards are organising awareness training aimed at providing property managers, Principals, caretakers, contractors and their own personnel with sufficient knowledge to safely assist in the implementation of management processes. This is being followed by a more in-depth training programme. Subjects to be included include the background on asbestos and its uses, current legislation, procedures, responsibilities and use of asbestos registers.

22. All school sectors should be included by Boards in initial awareness training sessions and it would be beneficial if this were followed by more in-depth courses for relevant staff on a rolling programme basis. On-going training will also be required, as new members of staff are employed or existing staff change role. It is anticipated that training materials will be incorporated within existing programmes such as staff induction, new Principal /Caretaker training. Maintained, voluntary grammar, Irish-medium and GMI schools should ensure that asbestos awareness is included as part of their management plan.

## ASBESTOS REGISTER

Asbestos Register												
Inspection Reference	Inspection/Sample	Location	Asbestos Component	Fibre Type	Condition	Surface Treatment	Position	Access-ibility	Risk Band	Recommendation	Re-inspection Remedial Action	
		<b>Ground Floor Store</b>	No access at time of survey materials assumed to contain asbestos may be present – consult Board property services before commencing works								Assume Asbestos Containing materials Present	Detail inspection at next re-inspection
140403GC 30	Sample	<b>Ground Floor Room 70</b>	Floor Tiles	Chrysotile	Fair	Sealed	Internal	High	D	Remove Prior to Refurbishment or Demolition	Re-inspect yearly	
		<b>Ground Floor Room 70</b>	No access at time of survey materials assumed to contain asbestos may be present – consult Board property services before commencing works								Assume Asbestos Containing materials Present	Detail inspection at next re-inspection
140403GC 30	Sample	<b>Ground Floor Room 72</b>	Floor Tiles	Chrysotile	Fair	Sealed	Internal	High	D	Remove Prior to Refurbishment or Demolition	Re-inspect yearly	
140403GC 32	Sample	<b>Ground Floor Lobby 73</b>	Floor Tiles	Chrysotile	Fair	Sealed	Internal	High	D	Remove Prior to Refurbishment or Demolition	Re-inspect yearly	
140403GC 37	Sample	<b>Ground Floor Staff Room 79 and Music Room</b>	Floor Tiles	Chrysotile	Fair	Sealed	Internal	High	D	Remove Prior to Refurbishment or Demolition	Re-inspect yearly	