

Asbestos remains the silent killer

Twenty years on from the asbestos ban, the substance is still claiming too many lives, says Jeffrey Tribich

In 1999 it became illegal in Great Britain to import, supply and use asbestos (subject to some limited exceptions), but our problems with it are far from over.

Known as “the silent killer”, asbestos is responsible for around 5,000 deaths per year, according to the Health and Safety Executive (HSE) – more than those on the road – and the numbers continue to rise, due to both historical and continuing exposure.

Concerningly, serious illness can be caused by relatively minor exposure, and it can take years for disease to become evident, by which time it is almost invariably resistant to treatment.

The property industry is deeply impacted by cases of asbestos-related diseases (ARDs) because of the vast numbers of buildings that incorporate asbestos in their construction. Even after two decades, ignorance and misinformation reign supreme, so UK practice leaves much to be desired.

An industry confused

Asbestos is a large subject with a perplexing array of regulations and guidance. There are issues of competence, accreditation, idiosyncrasies of practice, conflicts of interest, the potential life-ending health effects and the worry of uncertain costs in an industry in which it is notoriously difficult to control costs. It's no wonder that people become confused.

The government recognised that not all asbestos could be removed and introduced a statutory duty to manage it in non-domestic premises nearly 16 years ago. The legislation requires duty holders to identify the location and condition of asbestos and manage the risk to prevent harm to anyone, both workers and building occupants. Management involves the preparation of an asbestos management plan. However, plan and management are

often non-existent.

People incorrectly use terms casually and interchangeably to refer to various asbestos-related roles, suggesting an industry-wide uncertainty about role function, and how the processes of management and removal work. There are five roles. Let's clarify them.

■ **The consultant:** someone (or a firm) who advises clients and can manage the whole process of identifying and removing asbestos. Clients would be well advised to appoint a consultant for anything other than a simple project. This can prevent serious mistakes for minimal cost. Unfortunately, dependable consultants are a rare commodity.

■ **The asbestos surveyor:** the person or firm that carries out the asbestos survey, which will indicate the locations of asbestos in a building.

■ **The laboratory analyst:** associated with the surveyor, but a separate role, the analyst establishes whether survey samples contain asbestos. The survey will form the basis for either management or removal. However, no survey is guaranteed to find all asbestos and most do not.

■ **The asbestos removals contractor:** removes asbestos and may need to be licensed by the HSE.

■ **The asbestos analyst:** ensures that premises are thoroughly clean and fit to be returned to the owner/occupier. The analyst carries out air monitoring and clearance testing, and issues certificates of reoccupation as required by law.

A single firm may carry out more than one of these roles.

The importance of accreditation

The only way for surveyors to credibly demonstrate competence is through accreditation from the United Kingdom Accreditation Service (UKAS), which carries out extensive assessments to ensure that companies have adopted rigorous procedures. Complying with UKAS requirements is

time-consuming, expensive and effortful. Companies may be tempted to avoid accreditation, particularly if it won't impact the number of instructions they receive.

The HSE takes surveyor accreditation very seriously, because an accredited surveyor can be assumed competent to inspect and report correctly. However, even accredited surveyors can get it wrong. In a prosecution nearly 10 years ago, the client instructed a UKAS-accredited surveyor who missed some asbestos, which in turn led to construction workers being exposed to asbestos fibres. The surveyor was successfully prosecuted, but the client was not.

HSE stated that the client had taken all appropriate steps to fulfil their duty to manage the situation. What they didn't say explicitly, but the industry understood, was that if the survey company had not been UKAS accredited, the HSE would have prosecuted the client too. Employing an accredited surveyor will go a long way to avoiding problems.

Risks to surveyors and others

All employers are required by law to provide asbestos information, instruction and training. All those who could encounter asbestos in the workplace should have awareness training as a minimum. This includes tradespeople, architects, building surveyors and similar professionals.

Surveyors and architects are frequently asked to enter areas that are either known or suspected to be contaminated with asbestos. In most cases, they don't have the necessary training, but in ignorance of the requirements they enter anyway. In such cases they may be face-fitted for a mask (it is important to ensure airtightness) and provided with protective overalls, lulling them into a false sense of security. Decontamination, an essential part of this process, is rarely mentioned.

Very often the argument for allowing people to enter such an area will be the low risk of exposure. However, provision of protection means there's an assessed risk. Construction professionals may well be exposed to asbestos fibres on multiple occasions throughout their careers without being aware of it, but you can be quite sure that the asbestos-related occasions they'll remember will be when they wore protective clothing and equipment. Thus, in later years, if they succumb to an ARD, the donning of protection can, paradoxically, potentially expose an employer to legal action.

What can be done?

Peak asbestos use was in the 1960s and 1970s, but use continued and an estimated 6m tonnes of asbestos is still present in buildings.

The All-Party Parliamentary Group on Occupational Safety and Health has suggested that a new law be enacted to require the removal of all asbestos. That is an excellent aim, although there may be practical issues that need to be surmounted, such as the availability of enough competent firms for survey and removal, insufficient permitted landfill sites for disposal, and buildings that incorporate asbestos in elements that cannot be removed without substantial or even complete demolition.

But what else can we do? Improvement is needed in education, which would in turn improve practice, including: clients' and professionals' knowledge; asbestos surveyor standards; and oversight and quality of removals contractors.

The results of such action? A reduction in suffering and, ultimately, a United Kingdom free of asbestos-related illness. It's not a pipe dream: as property professionals and owners you have an ethical responsibility and can be agents of positive change.

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