

Asbestos Liaison Group Minutes		ALG/MIN/01/2016	
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Asbestos Liaison Group (ALG)

Minutes of the 46th meeting of the Asbestos Liaison Group held on Thursday 11 February 2016 at HSE's Office, Mallard House, Kings Road, 3 Peasholme Green, York

Present (HSE)

Simon Longbottom, Head of Construction Policy Sector
 Archie Mitchell, Head of ALU
 Jon Dry, ALU
 Rob Hirst, FOD Construction
 Helen Ratcliffe, Asbestos Policy Sector – for Craig Bell

TAs/TUs

David Tucker, Land Securities
 Susan Murray, Unite
 Richard Morgan, GMB
 Stephen Platkiw, ATAC
 David Nichol, UKATA
 Colette Willoughby, BOHS
 John Richards, RICS
 Chris Gilliead, IATP
 Colin Smith, UKAS
 Jim Caldwell, NFDC
 Steve Sadley, ARCA
 Graham Warren, ACAD
 Peter Wilson, UCATT

Apologies

Craig Bell, HSE
 Annette Leppla, ALU
 Melanie Tolson, LA

Guests

Asbestos Liaison Group web community is available at:
<http://webcommunities.hse.gov.uk/connect.ti/asbestosliaison/groupHome>
 Please note that you do not need to be a member of this community to view its contents – it is open to all.

Item	
1	Introduction, apologies, welcome, etc (Simon Longbottom)
1.1	Simon welcomed everyone to the meeting and formally welcomed Colin Smith from UKAS as a full ALG member. Apologies and deputies noted above.
2	Minutes of the 45th meeting held on 20 October 2015 (Simon Longbottom)
2.1	The minutes of the meeting were agreed. All minutes, meeting papers, etc are available on the ALG web community (see link above).
3	Matters arising from the minutes
3.1	ARMI Competency Guidance – Steve Sadley reported that the guidance would be ready for republishing once the proposed HSE endorsement received PGG approval (HSE's internal Publication Guidance Group).
3.2	Asbestos apprenticeship scheme for analysts and surveyors – John Richards reported that the responses from the circulation of the draft document are currently being collated.
	All other items discharged.
4	System Strategy
4.1	Simon Longbottom briefed the ALG on the development of a revised strategy for the Health and Safety system. Simon outlined proposals moving forward. The

HSE board principles for the strategy have been agreed within the wider Health and Safety system. The question is where do we go next and how do we address problem areas?

The new strategy is for the Health and Safety system as a whole (ie industry led as well) and need to reflect both Governmental drivers and HSE's aspirations. The key aim is to get good health and safety recognised as an enabler for good business. Good Health and Safety IS good business. The strategy reflects concerns about burdens on industry ("blue tape") and industry needs to play a part in tackling these burdens.

The six themes/goals of the new strategy are:

- Acting together – Promoting broader ownership of health and safety in Great Britain
- Tackling ill health – Highlighting and tackling the costs of work-related ill health
- Managing risk well – Simplifying risk management and helping business to grow
- Supporting small employers – Giving SMEs simple advice so that they know what they have to do
- Keeping pace with change – Anticipating and tackling new health and safety challenges
- Sharing our success – Promoting the benefits of Great Britain's world-class health and safety system.

The overarching point is as it has been since the Robens report: that those who create the risk must manage it.

Work goes on to promote the strategy through the HSE roadshows. David Tucker asked if the new strategy contained the targets. Simon reiterated that the new strategy is wider than HSE and seeks to encompass industry as a whole. Peter Wilson had attended a roadshow event and thought that there was a reluctance to share good practice throughout the industry. He thought there still appeared to be a perception of "them and us", particularly in relation to TUs. Safety management systems are an example of this. Each company has their own, so what does "good" look like? Steve Sadley suggested that the Government do not want guidance to come from the centre anymore and John Richards echoed the point that Government now see such guidance as "gold plating". David Tucker said that the construction event taking place in April was directed at the construction community and will include safety practitioners. Susan Murray hoped that the strategy would be inclusive of the Trade Unions.

Simon gave the example of third party accreditation as an area the strategy is concerned with. There is no need to be putting workers through all kinds of accreditation systems for the smallest jobs. The strategy emphasises a proportionate approach. John Richards asked what the end point was/what is this leading towards? Simon pointed out that the strategy is long term. The end points will be down to the wider Health and Safety system. The emphasis is on everyone playing their part. David asked how industry could provide feedback outside of the roadshows and Simon indicated that the conversation would continue via the normal channels, via the HSE website, etc. HSE will continue to engage with industry through stakeholder groups like the ALG. ALG members are in a great position to influence industry and to drive home the point that good Health and Safety is good for business. Martin Gibson reinforced this message:

	<p>what is being sought is an industry work plan inclusive of all, not just HSE leading. He said that the April event is part of this. Simon added that there is a wealth of knowledge in industry that can be brought to bear. Susan said that within the strategy, HSE still needs to commit to strong regulation and strong enforcement.</p>
5	ALG Updates
5.1	<p>UKATA position paper – Dave Nichol briefed the meeting on the new UKATA position paper. UKATA welcomed the ARMI guidance on competence and UKATA are now reviewing the position of training providers. UKATA want to develop a similar standard – ensuring that people doing the training are working to a strategy that supports the ARMI guidance. Colette Willoughby asked if the work UKATA were doing was open to others. Dave said that at this point it was only for UKATA members. UKATA felt it has to direct what it is doing to try and enhance the skills of its own members. Chris Gilliead said that he would like to see IATP involved with this and asked if IATP could be included. As the UKATA board rep on the ALG Dave said that he could only speak for himself, and not the rest of UKATA board, but he was broadly supportive. Echoing the point Peter Wilson made earlier re the sharing of best practice, Richard Morgan said that this work was something that needed to be broadened out to involve all training providers. Dave said he would come back to the next ALG meeting with more details, but that he did agree with the principle of sharing what UKATA were doing with all. Jim Caldwell said that others have to have the opportunity to buy into this. Susan Murray offered up the services of the Unite Apprentices officer for any member of the ALG to consult.</p> <p>Action 1: Dave Nichol to update the ALG at the next meeting re broadening out the work UKATA is doing (Post meeting note – HSE encourages collaboration rather than parallel working and notes the ALG discussion reinforced the need for working together)”.</p>
5.2	<p>Asbestos Policy Update – Helen has been working with HSE’s International Unit to review European Directives. The EU commissioned consultants to produce a report on the Asbestos Directive. Our view is the Directive needs updating and simplification and should cover the self-employed. (CAR of course does so). There is a push to merge directives. Policy team consider that change should only take place if there is clear cost/benefit case. HSE will also suggest that the UK’s “duty to manage” should be adopted by the EU. John Richards asked if the consultant’s report has been published. Helen said that it has, and offered to provide him with a link to it. As Steve Sadley had indicated earlier Helen confirmed that the ARMI/ALG request for endorsement of the competency guidance had gone to PGG following some agreed “tweaking” of the wording. Helen went through the wording of the HSE endorsement and other text, the underlying point of which was that HSE supports the guidance it is one way of doing things – not necessarily the only way.</p> <p>Helen gave an update on the work on the Analysts’ Guide. The large number of responses to the consultation had presented a challenge. There was some concern from small analysts’ businesses about the cost implications as a result of the guidance and there may be further work to do on this. There followed a discussion about analyst’s costs which centred on how the industry is trying to improve standards, but competition is driving costs downwards, which has a detrimental effect on standards. ALG members were able to cite examples where four stage clearances had been done very much on the cheap. Clients need to be educated about getting what they pay for and getting the job done properly or ALG felt the chances are the job will need to be done again. Helen</p>

pointed out that the responsibility for achieving a good standard of cleanliness rested with the LARCs. Martin Gibson added that the Analysts' Guide is intended to help take the pressure off the analyst, a point also made by Colin Smith. Referring members back to the earlier discussion on the new strategy, Helen reinforced the point that industry should be working to promote the true rate for the job to support good analysts.

Steve Sadley asked when the report on the Analyst Inspection Project would be finished/published. Martin said that the report would be completed by another colleague and it might be possible to circulate 'for comment' at an earlier stage than the HSE PGG process.

Archie described the work that is currently going on around disclosure, where HSE Inspectors have come across poorly performing analysts. HSE currently needs to work within the constraints on disclosure in section 28 of the HSWA, but we are moving towards sharing information we might have on poor analysts within UKAS.

Helen gave a further update on the Asbestos Essentials task manual. Graham Warren had spotted a few problems with some of the photos in the manual. It is now expected that the manual will be published some time during the summer. Thanks to ACAD for undertaking a thorough review of the document and their subsequent comments.

Action 2: Helen Ratcliffe to send John Richards the link to the Consultants Report on the Asbestos Directive for the EU.

Action 3: Analysts report to be considered for early circulation for comment by ALU+Martin+Policy Team together when completed (pre PGG submission) in view of its significance.

5.3

Technical Working Group Update – Martin Gibson informed the ALG that the last TWG meeting had not gone ahead due to members' other commitments. There was now no possibility of a further meeting until April. Martin also announced his change to part time hours and outlined the general problems with resource within HSE's occupational hygiene team due to staff changes. However, Martin was able to update the ALG on the TWG web pages, which are now up to date. Much of what is there will be incorporated into the new Licensed Contractors' Guide. Other areas where work has been progressed but is still on-going are:

- The removal of asbestos paper
- Asbestos in soils
- Environmental cleaning and wipe sampling
- Maintenance of DCUs

The most recent research work on enclosure ventilation flow rates is now on HSE's website at:

<http://www.hse.gov.uk/asbestos/assets/docs/enclosureventresearch.pdf>

5.4

ALU Update – Archie thanked those who had contributed to the consultation on the draft Electronic Appointed Doctor form and welcomed any further comments via the web community.

Archie pointed out to the meeting that comments on the details of pending changes to the Hazardous Waste Regs needed to go to the Environment Agency.

Archie drew the meetings attention to the HSE guidance on dealing with effects of flooding, and in particular the protocol for waivers.

DoT concerns re the transport of waste not wrapped in UN approved packaging labelling were covered by Archie. This is a technical issue which has been resolved via a one year derogation permitting transport until DoT can resolve.

Archie updated the meeting on the work ALU have been contributing to re HSE's deregulation agenda. The work is based on advice from industry and covers improvements to mechanisms for licence applications, payment methods, etc. Archie also covered the consistency work being done by ALU. As part of this work LARCs may experience more joint visits and visits by Inspectors from outside the area. No need to be alarmed as this is all about improving our consistency in approach to licensing. LARCs will also now get to see the ASB4 form used at assessment as it will be shared with them.

ALU Statistics from 1 October 2015 to 2 February 2016

- Number of licence holders – 442
- Number of inspections – 810
- Total number of licensable notifications – 31313
- Total number of NNLW notifications – 8757
- Number of licences issued
 - New - 26
 - Renewal - 128 (doesn't include those licences issued due to change of address)
- Number of licences refused (outright) – 6
- Number of licences refused (conditional) – 13
- Number of appeals – 0
- Number of revocations – 0
- Number of licence actions – 2
- Number of priority visit contractors (PVCs) – 29

Archie ran through the stats and explained how visits are targeted (specifically at the LARC rather than the location the LARC is working). Simon pointed out that there will be some overlap between the figures where for example a conditional refusal may then be a refusal or licence issued in the future. Archie also pointed out that some of the enforcement evidence pointed to LARCs working without enclosures. Archie reinforced the point that enclosures for licensed work re always the expectation. Steve Sadley asked if in future the figures could be broken down to show which of those that are refused or conditionally refused, which are new and which are renewals. Archie agreed.

Action 4: Future ALU stats on refusals/conditional refusals to be broken down in to new and renewals.

Rob Hirst brought the meetings attention to the new sentencing guidelines before highlighting prosecutions since the last meeting. Details of each of the prosecutions can be accessed via the links below:

<http://press.hse.gov.uk/2015/cinema-director-fined-for-asbestos-management-failings/>

<http://press.hse.gov.uk/2015/unlicensed-company-removes-asbestos-ceiling-from-school/>

<http://press.hse.gov.uk/2015/man-fined-for-unlicensed-removal-of-asbestos/>

<http://press.hse.gov.uk/2016/firms-fined-after-asbestos-failings/>

<http://press.hse.gov.uk/2016/charitable-trust-and-contractor-fined-for-asbestos-safety-failings/>

	<p>Susan asked if for future ALG meetings the ALU updates could be further up the agenda, particularly the prosecutions.</p> <p>Action 5: Agenda to be restructured for the next ALG to move this item up the agenda.</p>
6	Any Other Business
6.1	<p>Susan Murray drew the meetings attention to the paper published by the All-Party Parliamentary Group (APPG) on occupational safety and health calling for an asbestos eradication law. Susan reiterated the main theme of the report – that the APPG members argue that we should be aiming for an asbestos free country. Susan also said that she would forward the link to the Department for Education asbestos management in schools guidance: http://www.gov.uk/government/publications/asbestos-management-in-schools-2</p>
6.2	<p>Peter Wilson highlighted the UCATT proactive safety campaign aimed at young workers. The campaign calls for strong laws, strong enforcement and strong unions. http://www.healthy-workplaces.eu/all-ages-splash-page/</p> <p>Peter also reminded the meeting that International Workers Memorial Day is on 28 April – http://www.tuc.org.uk/WMD2016</p>
6.3	<p>Martin Gibson informed the meeting that a new organisation had been set up by asbestos equipment suppliers, the Federation of Decontamination Equipment Manufacturers. The organisation had asked if they could attend the next ALG meeting. No objections were raised so the group can be invited to send a representative to the next meeting.</p> <p>Action 6: Federation of Decontamination Equipment Manufacturers to be invited to send a representative to the next ALG.</p>
7	Time, date, location of next meeting
7.1	The next meeting will be held at 10.45am on Tuesday 7 June 2016 at HSE's Office, Mallard House, York.

ALG ACTION TABLE – THURSDAY 11 FEBRUARY 2016

Item	Action
5.1	Action 1: Dave Nichol to update the ALG at the next meeting re broadening out the work UKATA is doing (Post meeting note – HSE encourages collaboration rather than parallel working and notes the ALG discussion reinforced the need for working together)".
5.2	Action 2: Helen Ratcliffe to send John Richards the Consultants Report on the Asbestos Directive or a suitable link. Action 3: Analysts report to be considered for circulation by HSE units together should it come out before the next ALG.
5.4	Action 4: Future ALU stats on refusals/conditional refusals to be broken down in to new and renewals. Action 5: Agenda to be restructured for the next ALG to move this item up the agenda.
6.3	Action 6: Federation of Decontamination Equipment Manufacturers to be invited to send a representative to the next ALG.