

## Asbestos free by 2035?

### Publication date

Thursday, November 12, 2015

Nigel Bryson makes the case for an “eradication law” and outlines the implications for duty holders where asbestos is present in their buildings.

Recent figures from the Office for National Statistics (ONS) confirm the legacy that still remains from past asbestos exposure. Between 2010 and 2014, 11,011 people died from mesothelioma in England and Wales. Over this five-year period, the number of recorded deaths increased by 13%. While the figures relate to past exposures, the interest in asbestos protection continues.

On 3 July this year, various groups supported Mesothelioma Action Day. In different parts of the country, marches, conferences and other events were held to draw attention to the need for more research into curing mesothelioma and ensuring proper precautions are taken when working with asbestos materials. It also included a call by trade unions for an “eradication’ of all asbestos from buildings by 2035.

## Can all buildings be asbestos free by 2035?

The All-Party Parliamentary Group (APPG) on Occupational Safety and Health has produced a report in which it argues the “time had come” for regulations to support the “safe, phased and planned removal of all the asbestos that still

remains across Britain”. The Group consists of MPs from the Labour and Conservative political parties and secretarial support is given by the Trade Union Congress (TUC). Trade unions and asbestos victims groups are also involved with the meetings.

The purpose of the Group is: “To provide a forum for the discussion and promotion of issues relating to occupational health and safety; to provide information to members of both houses of parliament on topical issues; to publish reports as and when necessary”.

In providing support for eradicating asbestos, the Group highlights the mesothelioma deaths. It also refers to the estimated 2000 lung cancer deaths per year and points out that, in 2012, there were 464 deaths related to asbestosis. As most public comment relates to mesothelioma deaths, it is sometimes forgotten that hundreds of people are still dying today from asbestosis — the pneumoconiosis type lung disease where victims have been exposed to significantly high concentrations of asbestos fibres.

The Group states: “Before the death rate declines, around a quarter of a million people in Britain will have died as a result of asbestos exposure”.

While the Group acknowledges that today’s asbestos-related deaths are due to past exposures that occurred over 30–40 years ago, it also points out that there are no accurate figures for the levels of asbestos exposure since 1980. While precautions will have improved during the 1970s and 1980s, the impact of exposure to low concentrations of asbestos over long periods of times cannot be predicted. The Group highlights construction as a sector that has been identified as high risk in terms of asbestos exposure but which may not have adequate protection.

For example, it quoted Health and Safety Executive (HSE) sources that state that “1.3 million tradespeople may be at risk of exposure to asbestos, with many coming into contact with asbestos more than 100 times a year”. The Group was clear that — despite the regulations applying to asbestos work — there are still be many people exposed to asbestos. It quoted from the same HSE survey which identified that only 30% of 500 tradespeople could, when asked, identify the correct measures for working safely with asbestos.

While the Group did not refer to it, in November 2014, the HSE published a summary of an “intensive inspection” of “repair and refurbishment” construction sites and found 40% failed to meet legal standards. It reported: “Unacceptable conditions and dangerous practices were found at nearly half of the 1748 repair and refurbishment sites visited by HSE inspectors, with one in five sites so poor, formal enforcement action was required”.

In addition to questioning whether proper protection can be given in the construction sector, the Group also highlights the situation in schools. Drawing attention to some indications that a significant number of schools did not appear to comply with regulations during maintenance or refurbishment work, this was of concern where children — in particular — may be exposed to asbestos fibres. It referred to the report from the Committee on Carcinogenicity which concluded that children are likely to be more susceptible to develop mesothelioma than adults.

The Group then argued that Britain should have a planned programme to remove asbestos.

## Eradication — the long term solution?

The Parliamentary Group believes that the only way to eradicate mesothelioma in Britain is by removing asbestos completely. To support this move, the Group has suggested that a new law is established that sets a timetable “for the eradication of asbestos in every single workplace in Britain”. The Group finished its paper by setting out some key provisions of such a law. These include the following.

- All commercial, public, and rented domestic premises should conduct an asbestos survey by an authorised surveyor, to be completed no later than 2022 and registered with the HSE.
- Where asbestos is located in a building and refurbishment, repair or remedial work is planned near it, removal of the asbestos should be included in the plans. Where no such work is undertaken, duty holders should plan to remove all asbestos, as soon as practical, but no later than 2035. For public buildings and educational establishments, all asbestos should be removed by 2028.
- The HSE, local authorities and other enforcing agencies must have a planned inspection regime to ensure that duty holders are not only complying with

asbestos regulations but the proposed eradication programme as well.

- Before completing house sales, an asbestos survey should be included in the sales proceedings. Any asbestos found should be labelled and information given to any contractor who may work in the house.

As might be expected, these proposals have had a mixed response and the main concerns appear to be, as follows.

- There are currently too few qualified asbestos surveyors that could undertake a significant increase in surveying work.
- Some argue that removing asbestos in good condition may create a greater risk of exposure than leaving it in place.
- There are currently too few Licensed Asbestos Contractors to undertake a large increase in removal work.
- The amount of extra asbestos containing materials to be disposed of may stretch current capacity.
- The HSE and other enforcing authorities would have to increase resources and staff significantly to undertake the extra work. With a 33% reduction in HSE funds in the last four years the Government would need to have a major policy change.
- House owners and landlords are not likely to welcome the extra costs associated with undertaking additional asbestos surveys.

The opposition to the proposals is likely to be substantial. However, this does not mean they will be ignored. The Institution of Occupational Safety and Health (IOSH) is currently conducting a survey of members' opinions on the proposals. The All Parliamentary Group cites Australia and Poland as countries that have an asbestos eradication programme. While action identified in the proposal may not become law in the present form, the pressure to remove asbestos from buildings is growing.

Many of the commercial buildings that contain asbestos are old, may not be energy efficient and are not purpose built for current use. Perhaps the proposals could be used to develop a long term plan for moving businesses into modern premises that are cheaper and more efficient to run. Or perhaps removing asbestos could be part of a renovation programme to bring old buildings up to modern day standards.

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Source URL: <https://app.croner.co.uk/feature-articles/asbestos-free-2035>

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